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PREPARATORY COMMISSION FOR THE
INTERNATIONAL SEABED AUTHORITY
AND FOR THE INTERNATIONAL
TRIBUNAL FOR THE LAW OF THE SEA
Special Commission 4

PROVISIONAL REPORT OF SPECIAL COMMISSION 4

(DRAFT REPORT OF THE PREPARATORY COMMISSION UNDER PARAGRAPH 10 OF RESOLUTION I CONTAINING RECOMMENDATIONS FOR SUBMISSION TO THE MEETING OF STATES PARTIES TO BE CONVENED IN ACCORDANCE WITH ANNEX VI, ARTICLE 4, OF THE CONVENTION REGARDING PRACTICAL ARRANGEMENTS FOR THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA)

Addendum

(Final draft Rules of the Tribunal)

(Working paper by the Secretariat)

(LOS/PCN/SCN.4/WP.2/Rev.2)

Explanatory note

1. The final draft Rules of the Tribunal contained herein was prepared pursuant to the decision of Special Commission 4 (LOS/PCN/L.53, para. 9). The present working paper initially constituted addendum 1 to document LOS/PCN/SCN.4/WP.15 (draft report of the Preparatory Commission under paragraph 10 of resolution I containing recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea), as referred to in the introductory note thereto, first paragraph. Pursuant to the decision of the Preparatory Commission, the draft report was reviewed and revised. The revision is titled "Provisional Report of Special Commission 4 (draft report of the Preparatory Commission under paragraph 10 of resolution I containing recommendations for submission to the meeting of States Parties to be convened in accordance with annex VI, article 4, of the Convention regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea)" (LOS/PCN/SCN.4/WP.16). The present working paper constitutes addendum 1 to LOS/PCN/SCN.4/WP.16, the Provisional Report of Special Commission 4.

2. The Special Commission first considered the requirements for the procedural rules of the Tribunal and examined the items listed in document LOS/PCN/SCN.4/WP.1. Account was taken of LOS/PCN/SCN.4/1984/CRP.2 to 5 in this connection. Thereafter, the Special Commission considered draft texts on the basis of the working paper entitled "Draft Rules of the Tribunal" (document LOS/PCN/SCN.4/WP.2 of 27 July 1984) and the supplement to the Draft Rules of the Tribunal - on the Prompt Release of Vessels and Crews (LOS/PCN/SCN.4/WP.2/Add.1 of 25 March 1985): Working papers, prepared by the Secretariat at the request of the Special Commission, were examined taking into account the table of concurrence of the draft Rules of the Tribunal (LOS/PCN/SCN.4/WP.3) and the draft texts proposed for specific provisions (LOS/PCN/SCN.4/1985/CRP.6, SCN.4/1985/CRP.7-10 and 12-14, and SCN.4/1986/CRP.15-18). The Special Commission conducted an article-by-article examination of these draft rules at the summer 1985 meeting as its first session and through the second to third sessions and the intervening meetings. In examining the formulations in the draft, the Special Commission addressed the issues, the appropriate precedents (particularly that of the International Court of Justice) and the special requirements for the Tribunal. It was always intended and understood that "the general procedures for the functioning of the [T]ribunal and its powers are on the lines of the Statute of the International Court of Justice and other international judicial tribunals. 1/ To remain consistent with this guideline, which was adopted by the Special Commission, the Rules of the Tribunal should as far as possible follow the practice of the International Court of Justice and the usage in its Rules of Court.

3. The Chairman's summary of discussions on these deliberations is to be found in documents LOS/PCN/SCN.4/L.1; L.2 and Add.1; L.2/Add.1/Corr.1; L.3 and Add.1; L.4 and Add.1; and L.5 and Add.1.

4. The Commission also carried out an exchange of views on the participation of entities other than States in cases before the Tribunal or

its Seabed Disputes Chamber. In this context too it reviewed the issues, the appropriate precedents and the special requirements. It identified the need for, and the character of, adjustments to the working paper that would be required to cover such cases. The summary of these discussions is contained in documents LOS/PCN/SCN.4/L.1 and L.5/Add.1.

5. The Special Commission further examined other supplementary matters that had not been included in the draft rules and which had arisen or had been referred to in the course of discussions. This is reflected in LOS/PCN/SCN.4/L.5/Add.1.

6. At the third session, after completing its article-by-article reading of the draft rules, the Commission requested the Secretariat to prepare a revision thereof. The directions given to the Secretariat by the Special Commission required the incorporation of agreed textual changes in the working paper, the elaboration of additional rules on additional matters that needed regulation and the formulation of texts by the Secretariat, including the provision of compromise texts for issues on which there was no prevailing agreement in the Special Commission or when harmonization with other working papers was required. The revised draft was submitted in two parts (LOS/PCN/SCN.4/WP.2/Rev.1 (Part I) and (Part II)).

7. The Special Commission reviewed the revised drafts and the draft texts proposed thereto (LOS/PCN/SCN.4/1986/CRP.20, LOS/PCN/SCN.4/1987/CRP.22, LOS/PCN/SCN.4/1988/CRP.23 and Rev.1, CRP.25 and CRP.28-30) at the fourth (11 August-5 September 1986), fifth (30 March-16 April and 27 July-21 August 1987), sixth (14 March-8 April and 15 August-2 September 1988) and seventh (27 February-23 March 1989 and 14 August-1 September 1989) sessions and intervening meetings. The discussions are reflected in the Chairman's summaries (LOS/PCN/SCN.4/L.7 and Add.1; L.9/Add.1; and L.10 and Add.1 and Add.1/Corr.1).

8. The present document was prepared by the Secretariat following the same procedure and pursuant to the decision of the Special Commission (LOS/PCN/L.53, para. 9). All the articles of the Rules of the Tribunal have been incorporated into one document.

Notes

1/ Memorandum by the President of the Third United Nations Conference on the Law of the Sea on document A/CONF.62/WP.9 (Informal single negotiating text), Official Records of the Third United Nations Conference on the Law of the Sea, vol. V (United Nations publication, Sales No. E.76.V.8), document A/CONF.62/WP.9/Add.1, para. 30.

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FINAL DRAFT RULES OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Preamble

The International Tribunal for the Law of the Sea,

Having regard to the relevant provisions of the United Nations Convention on the Law of the Sea,

Having regard in particular to the Statute of the International Tribunal for the Law of the Sea, annexed thereto,

Acting in pursuance of article 16 of the Statute,

Adopts the following Rules of the Tribunal, which shall come into force on ...

PART I

INTRODUCTION

Article 1

Use of terms

For the purposes of these Rules:

(1) "Convention" means the United Nations Convention on the Law of the Sea;

(2) "Statute" means the Statute of the International Tribunal for the Law of the Sea, annex VI of the Convention;

(3) "States Parties" shall have the same meaning as defined in article 1 of the Convention;

(4) "international organization" shall have the same meaning as defined in article 1 of annex IX of the Convention, unless otherwise specified;

(5) "expert" means a person called at the instance of a party to a dispute or at the instance of the Tribunal to present testimony in the form of expert opinions, based on his special knowledge, skills, experience or training;

(6) "expert appointed under article 289 of the Convention" means a person appointed in accordance with that article to sit with the Tribunal;

(7) "Member" means an elected member of the Tribunal as referred to in article 2 of the Statute and article 2 of these Rules;

(8) "Member ad hoc" means a person chosen under article 17 of the Statute to participate as a Member of the Tribunal for the purpose of a particular case;

(9) "Member ad hoc of the Chamber" means a person chosen under article 17, paragraph 4, of the Statute to participate as a Member of the Chamber for the purpose of a particular case;

(10) "Authority" means the International Seabed Authority;

(11) "Enterprise" means the organ of the Authority referred to in article 158, paragraph 2, of the Convention.

PART II

THE TRIBUNAL

Section A. Members, Members ad hoc and experts appointed under article 289 of the Convention

Subsection 1. The Members

Article 2

1. The Members of the Tribunal are elected in accordance with articles 2 to 6 of the Statute.

2. For the purposes of a particular case, the Tribunal may also include upon the bench one or more persons chosen under article 17 of the Statute to sit as Members ad hoc.

Article 3

1. The term of office of Members of the Tribunal elected at a triennial election shall begin to run from the (... day and month of first election ...) 1/ in the year in which the vacancies to which they are elected occur.

2. The term of office of a Member of the Tribunal elected to replace a Member whose term of office has not expired shall run from the date of the election for the remainder of such term.

Article 4

1. The Members of the Tribunal, in the exercise of their functions, are of equal status, irrespective of age, priority of election or length of service.

2. The Members of the Tribunal shall, except as provided in paragraphs 4 and 5 of this article, take precedence according to the date on which their respective terms of office began, as provided for by article 3 of these Rules.

3. Members of the Tribunal whose terms of office began on the same date shall take precedence in relation to one another according to seniority of age.

4. A Member of the Tribunal who is re-elected to a new term of office which is continuous with his previous term shall retain his precedence.

5. The President and the Vice-President of the Tribunal, while holding these offices, shall respectively take precedence before all other Members of the Tribunal.

6. The Member of the Tribunal who, in accordance with the foregoing paragraphs, takes precedence next after the President and the Vice-President is in these Rules designated the "Senior Member of the Tribunal". If that Member is unable to act, the Member of the Tribunal who is next after him in precedence and able to act is considered as Senior Member.

Article 5

1. The solemn declaration to be made by every Member of the Tribunal in accordance with article 11 of the Statute shall be as follows:

> "I solemnly declare that I will perform my duties and exercise my powers as a Member of the Tribunal honourably, faithfully, impartially and conscientiously and that I will maintain and preserve the secrecy of any confidential information coming to my knowledge as a consequence of my membership even after the expiry of my term of office."

2. This declaration shall be made at the first public sitting at which the Member of the Tribunal is present. Such sitting shall be held as soon as practicable after his term of office begins and, if necessary, a special sitting shall be held for the purpose.

3. A Member of the Tribunal who is re-elected shall make a new declaration only if his new term is not continuous with his previous one.

Article 6

1. A Member of the Tribunal deciding to resign shall address a letter of resignation communicating his decision to the President, and the resignation shall take effect on the receipt of that letter as provided in article 5, paragraph 4, of the Statute.

2. If the Member of the Tribunal deciding to resign from the Tribunal is the President, he shall address a letter of resignation communicating his decision to the Tribunal through the Vice-President, or failing him the Senior

Member, and the resignation shall take effect on receipt of that letter as provided in article 5, paragraph 4, of the Statute.

Article 7

In any case in which the application of article 9 of the Statute is under consideration, the Member of the Tribunal concerned shall be so informed by the President or, if the circumstances so require, by the Vice-President, in a written statement which shall include the grounds therefor and any relevant evidence. He shall subsequently, at a private meeting of the Tribunal specially convened for the purpose, be afforded an opportunity of making a statement, of furnishing any information or explanations he wishes to give, and of supplying answers, orally or in writing, to any questions put to him. At a further private meeting, at which the Member of the Tribunal concerned shall not be present, the matter shall be discussed; each Member of the Tribunal shall state his opinion, and if requested a vote shall be taken.

Subsection 2. Members ad hoc

Article 8

1. Members ad hoc, chosen under article 17 of the Statute for the purposes of particular cases, shall be admitted to sit on the bench of the Tribunal in the circumstances and according to the procedure indicated in article 19, paragraph 2, articles 40, 41, 42, article 107, paragraph 2, and article 137, paragraph 3, of these Rules.

2. They shall participate in the examination of the case for which they have been chosen and in the decision, on terms of complete equality with the other Members on the bench.

3. Members ad hoc shall take precedence after the elected Members of the Tribunal and in order of seniority of age.

Article 9

1. The solemn declaration to be made by every Member ad hoc in accordance with articles 11 and 17, paragraph 6, of the Statute shall be as set out in article 5, paragraph 1, of these Rules.

2. This declaration shall be made at a public sitting in the case in which the Member ad hoc is participating. If the case is being dealt with by a chamber of the Tribunal, the declaration shall be made in the same manner in that chamber.

3. Members ad hoc shall make the declaration in relation to each case in which they are participating, even if they have already done so in a previous case, but shall not make a new declaration for a later phase of the same case.

Subsection 3. Experts appointed under article 289 of the Convention

Article 10

1. In any dispute involving scientific or technical matters, the Tribunal may, in accordance with article 289 of the Convention, either upon the request of a party made not later than the closure of the written proceedings or, proprio motu, decide, for the purpose of the dispute, to appoint two or more experts to sit with it without the right to vote. The Tribunal may consider a later request prior to the closure of the oral proceedings, if appropriate in the circumstances of the case.

2. When the Tribunal so decides, the President shall take steps to obtain all the information relevant to the choice of such experts and shall also consult the relevant list prepared in accordance with annex VIII, article 2, of the Convention.

3. Such experts shall be selected in consultation with the parties to the dispute and chosen preferably from the relevant list referred to in paragraph 2.

4. Such experts shall be appointed by secret ballot and by a majority of the votes of the Members and Members ad hoc composing the Tribunal for the case.

5. The same powers shall belong to the chambers provided for by article 15 of the Statute and to the presidents thereof, and may be exercised in the same manner.

6. Before entering upon their duties, such experts shall make the following solemn declaration at a public sitting:

> "I solemnly declare that I will perform my duties as an expert honourably, impartially and conscientiously, that I will faithfully observe all the provisions of the Statute and of the Rules of the Tribunal, and that I will maintain and preserve the secrecy of any confidential information coming to my knowledge as a consequence of my sitting with the Tribunal, even after the termination of my functions."

Section B. The Presidency

Article 11

1. The term of office of the President and that of the Vice-President of the Tribunal shall begin to run from the date on which the terms of office of the Members of the Tribunal elected at a triennial election begin in accordance with article 3 of these Rules.

2. The elections to the presidency and vice-presidency of the Tribunal shall be held on that date or as soon as possible thereafter. The former President,

if still a Member of the Tribunal, shall continue to exercise his functions until the election to the presidency has taken place.

Article 12

1. If, on the date of the election to the presidency, the former President is still a Member of the Tribunal, he shall conduct the election. If he has ceased to be a Member of the Tribunal, or is unable to act, the election shall be conducted by the Member of the Tribunal exercising the functions of the presidency by virtue of article 14, paragraph 1, of these Rules.

2. The election shall take place by secret ballot, after the presiding Member of the Tribunal has declared the number of affirmative votes necessary for election; there shall be no nominations. The Member of the Tribunal obtaining the votes of a majority of the Members composing it at the time of the election shall be declared elected, and shall enter forthwith upon his functions.

3. The new President shall conduct the election of the Vice-President either at the same or at the following meeting. The provisions of paragraph 2 of this article shall apply equally to this election.

Article 13

The President shall preside at all meetings of the Tribunal; he shall direct the work and supervise the administration of the Tribunal.

Article 14

1. In the event of a vacancy in the presidency or of the inability of the President to exercise the functions of the presidency, these shall be exercised by the Vice-President, or failing him, by the Senior Member.

2. When the President is precluded by a provision of the Statute or of these Rules either from sitting or from presiding in a particular case, he shall continue to exercise the functions of the presidency for all purposes save in respect of that case.

3. The President shall take the measures necessary in order to ensure the continuous exercise of the functions of the presidency at the seat of the Tribunal. In the event of his absence, he may, so far as is compatible with the Statute and these Rules, arrange for these functions to be exercised by the Vice-President, or failing him, by the Senior Member.

Article 15

If a vacancy in the presidency or the vice-presidency occurs before the date when the current term is due to expire under article 12, paragraph 1, of

the Statute and article 11, paragraph 1, of these Rules, the Tribunal shall decide whether or not the vacancy shall be filled during the remainder of the term.

Section C. The Seabed Disputes Chamber

Article 16

1. The composition and functioning of the Seabed Disputes Chamber and its ad hoc chambers shall be in accordance with section 4 of the Statute and in parts V and VI of these Rules.

2. The provisions of these Rules relating to proceedings before the Tribunal shall apply mutatis mutandis in proceedings before the Seabed Disputes Chamber, unless otherwise provided in parts V and VI of these Rules.

Section D. Special chambers

Article 17

1. The Chamber of Summary Procedure to be formed annually under article 15, paragraph 3, of the Statute shall be composed of five Members of the Tribunal, comprising the President and Vice-President of the Tribunal, acting ex officio, and three other Members elected in accordance with article 20, paragraph 1, of these Rules. In addition, two Members of the Tribunal shall be elected annually to act as substitutes.

2. The election referred to in paragraph 1 of this article shall be held as soon as possible after the (... day and month of first election ...) 1/ in each year. The members of the Chamber shall enter upon their functions on election and continue to serve until the next election: they may be re-elected.

3. If a member of the Chamber is unable, for whatever reason, to sit in a given case, he shall be replaced for the purposes of that case by the senior in precedence of the two substitutes.

4. If a member of the Chamber resigns or otherwise ceases to be a member, his place shall be taken by the senior in precedence of the two substitutes, who shall thereupon become a full member of the Chamber and be replaced by the election of another substitute. Should vacancies exceed the number of available substitutes, elections shall be held as soon as possible in respect of the vacancies still existing after the substitutes have assumed full membership and in respect of the vacancies in the substitutes.

Article 18

1. When the Tribunal decides to form one or more of the standing special chambers provided for in article 15, paragraph 1, of the Statute, it shall

determine the particular category of disputes for which each chamber is formed, the number of its members, the period for which they will serve, the date at which they will enter upon their duties and the number of substitutes.

2. The members of such chambers shall be elected in accordance with article 20, paragraph 1, of these Rules from among the Members of the Tribunal, having regard to any special knowledge, expertise or previous experience which any of the Members of the Tribunal may have in relation to the category of case the chamber is being formed to deal with.

3. If a member of the chamber is unable, for whatever reason, to sit in a given case, he shall be replaced for the purposes of that case by the senior in precedence of the two substitutes.

4. The Tribunal may decide upon the dissolution of a chamber, but without prejudice to the duty of the chamber concerned, to finish any cases pending before it.

Article 19

1. A request for the formation of an ad hoc special chamber to deal with a particular case, as provided for in article 15, paragraph 2, of the Statute, may be filed at any time until the closure of the written proceedings. Upon receipt of a request made by one party, the President shall ascertain whether the other party assents.

2. When the parties have agreed, the President shall ascertain their views regarding the composition of the chamber, and shall report to the Tribunal accordingly. He shall also take such steps as may be necessary to give effect to the provisions of article 17, paragraph 4, of the Statute.

3. The Tribunal shall determine, with the approval of the parties, the Members who are to constitute the chamber. The same procedure shall be followed as regards the filling of any vacancy that may occur on the chamber.

4. Members of a chamber formed under this article who have been replaced, in accordance with article 5 of the Statute following the expiration of their terms of office, shall continue to sit in all phases of the case, whatever the stage it has then reached.

Article 20

1. Elections to the chambers referred to in articles 17 and 18 shall take place by secret ballot. The Members of the Tribunal obtaining the largest number of votes constituting a majority of the Members of the Tribunal composing it at the time of the election shall be declared elected. If there are more Members of the Tribunal receiving the requisite majority than there are places, the President shall draw lots as between those with the lowest equal number of votes. If necessary to fill vacancies, more than one ballot shall take place, such ballot being limited to the number of vacancies that

remain to be filled. In elections to the chambers, to the extent applicable, due regard shall be paid to the provisions of article 2, paragraph 2, of the Statute.

2. If a chamber when formed includes the President or Vice-President of the Tribunal, or both of them, the President or Vice-President, as the case may be, shall preside over that chamber. In any other event, the chamber shall elect its own president by secret ballot and by a majority of votes of its Members. The Member of the Tribunal who, under this paragraph, presides over the chamber at the time of its formation shall continue to preside so long as he remains a Member of that chamber.

3. The president of a chamber shall exercise, in relation to cases being dealt with by that chamber, all the functions of the President of the Tribunal in relation to cases before the Tribunal. The President of the Tribunal shall take such steps as may be necessary to give effect to the provisions of article 17, paragraph 4, of the Statute to the chambers.

4. If the president of a chamber is prevented from sitting or from acting as president, the functions of the presidency shall be assumed by the Member of the chamber who is the senior in precedence and able to act.

Section E. Internal functioning of the Tribunal

Article 21

The internal judicial practice of the Tribunal shall, subject to the provisions of the Convention, the Statute and these Rules, be governed by any resolutions on the subject adopted by the Tribunal. 2/

Article 22

1. The quorum specified by article 13, paragraph 1, of the Statute applies to all meetings of the Tribunal.

2. Members of the Tribunal shall hold themselves permanently available to exercise their functions and shall attend all such meetings, unless they are absent on leave as provided for in paragraph 4, prevented from attending by illness, or for other serious reasons duly explained to the President, who shall inform the Tribunal.

3. Members ad hoc are likewise bound to hold themselves at the disposal of the Tribunal and to attend all meetings held in the case in which they are participating. They shall not be taken into account for the calculation of the quorum.

4. The Tribunal shall fix the dates and duration of the judicial vacations and the periods and conditions of leave to be accorded to individual Members of the Tribunal, having regard in both cases to the state of its general list and to the requirements of its current work.

5. Subject to the same considerations, the Tribunal shall observe the public holidays customary at the place where the Tribunal is sitting.

6. In case of urgency the President may convene the Tribunal at any time.

Article 23

1. The deliberations of the Tribunal shall take place in private and remain secret. The Tribunal may however at any time decide in respect of its deliberations on other than judicial matters to publish or allow publication of any part of them.

2. Only Members, Members ad hoc, and if the Tribunal deems necessary, any experts appointed in accordance with article 289 of the Convention and article 10 of these Rules, take part in the Tribunal's judicial deliberations. The Registrar, or his deputy, and other members of the staff of the Registry as may be required shall be present. No other person shall be present except by permission of the Tribunal.

3. The minutes of the Tribunal's judicial deliberations shall record only the title or nature of the subjects or matters discussed, and the results of any vote taken. They shall not record any details of the discussions nor the views expressed, provided however that any Member or Member ad hoc is entitled to require that a statement made by him be inserted in the minutes.

PART III

THE REGISTRY

Article 24

1. The Tribunal shall elect its Registrar by secret ballot from amongst candidates proposed by Members of the Tribunal. The Registrar shall be elected for a term of seven years and may be re-elected.

2. The President shall give notice of a vacancy or impending vacancy to Members of the Tribunal, either forthwith upon the vacancy arising, or, where the vacancy will arise on the expiration of the term of office of the Registrar, not less than three months prior thereto. The President shall fix a date for the closure of the list of candidates so as to enable nominations and information concerning the candidates to be received in sufficient time.

3. Nominations shall indicate the relevant information concerning the candidate, and in particular information as to his age, nationality, present occupation, university qualifications and any previous experience in law and the law of the sea, diplomacy or the work of international organizations.

4. The candidate obtaining the votes of the majority of the Members of the Tribunal composing it at the time of the election shall be declared elected.

Article 25

The Tribunal shall elect a Deputy Registrar; it may also elect an Assistant Registrar, if considered necessary to carry out the functions relating to the Seabed Disputes Chamber. The provisions of article 24 of these Rules shall apply to their elections and terms of office.

Article 26

Before taking up their duties, the Registrar, the Deputy Registrar and the Assistant Registrar shall make the following solemn declaration at a meeting of the Tribunal:

> "I solemnly declare that I will perform the duties incumbent upon me as Registrar (Deputy Registrar and Assistant Registrar, as the case may be) of the International Tribunal for the Law of the Sea in all loyalty, discretion and good conscience, that I will faithfully observe all the provisions of the Statute and of the Rules of the Tribunal, and that I will maintain and preserve the secrecy of any confidential information coming to my knowledge as a consequence of holding such office, even after my separation from service."

Article 27

1. The staff members of the Registry shall be appointed by the Tribunal on proposals submitted by the Registrar. Appointments to such posts as the Tribunal shall determine may however be made by the Registrar with the approval of the President.

2. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

3. Before taking up his duties, every staff member shall make the following solemn declaration before the President, the Registrar being present:

> "I solemnly declare that I will perform the duties incumbent upon me as an official of the International Tribunal for the Law of the Sea in all loyalty, discretion and good conscience, that I will faithfully observe all the provisions of the Statute and of the Rules of the Tribunal, and that I will maintain and preserve the secrecy of any confidential information coming to my knowledge as a consequence of holding such office, even after separation from service."

Article 28

1. The Registrar, in the discharge of his functions, shall:

(a) be the regular channel of communications to and from the Tribunal, and in particular shall effect all communications, notifications and transmission of documents required by the Convention, the Statute or by these Rules and ensure that the date of dispatch and receipt thereof may be readily verified;

(b) keep, under the supervision of the President, and in such form as may be laid down by the Tribunal, a general list of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry;

(c) have the custody of the declarations accepting the jurisdiction of the Tribunal made by entities other than States Parties in accordance with article 32, paragraph 2, and article 33, paragraph 2, of these Rules, and transmit certified copies thereof to all States Parties, to such other States as shall have deposited declarations, and to the Secretary-General of the United Nations and the Secretary-General of the International Seabed Authority. He shall also maintain duly certified copies of all declarations, revocations or withdrawals thereof and notifications deposited with the Secretary-General of the United Nations under articles 287 and 298 of the Convention;

(d) maintain duly certified copies of all agreements conferring jurisdiction on the Tribunal and submitted in accordance with article 33 of these Rules, and transmit copies thereof to all States Parties, to the Secretary-General of the United Nations and to the Secretary-General of the International Seabed Authority. He shall also transmit copies to such other States and to entities other than States that are parties to the agreement or agreements with respect to which such agreements have been deposited with the Registrar or declarations have been made under the terms of articles 32 and 33;

(e) maintain copies of declarations accepting the jurisdiction of other forums for the settlement of disputes in accordance with article 287 of the Convention, article 7 of annex IX thereto, revocations thereof, and declarations of optional exceptions in accordance with article 298 of the Convention and notices of revocation or withdrawal thereof;

(f) transmit to the parties of the dispute copies of all pleadings and documents annexed upon receipt thereof in the Registry. He shall certify such copies;

(g) communicate to the Government of the State in which the Tribunal or a chamber is sitting, or is to sit, and any other Governments which may be concerned, the necessary information as to the persons from time to time entitled, under the Statute and the relevant agreements, to privileges, immunities or facilities;

(h) be present, in person or by his deputy, at meetings of the Tribunal, and of the chambers, and be responsible for the preparation of minutes of such meetings. He may designate an official of the Registry to fulfil these functions at meetings of the Seabed Disputes Chamber;

(i) make arrangements for such provision or verification of translations and interpretations into the Tribunal's official languages as the Tribunal may require;

(j) sign all judgments, advisory opinions and orders of the Tribunal and the minutes referred to in subparagraph (h);

(k) be responsible for the reproduction, printing and publication of the Tribunal's judgments, advisory opinions and orders, the pleadings and statements, and minutes of public sittings in cases and of such other documents as the Tribunal may direct to be published;

(l) be responsible for all administrative work and in particular for the accounts and financial administration in accordance with the financial procedures of the Tribunal;

(m) deal with inquiries concerning the Tribunal and its work;

(n) assist in maintaining relations between the Tribunal and Authority, the International Court of Justice and the other organs of the United Nations, its related agencies, other forums for the settlement of disputes established under article 287 of the Convention, and international bodies and conferences concerned with the codification and progressive development of international law, in particular law of the sea;

(o) ensure that information concerning the Tribunal and its activities is made accessible to Governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law, and public information media;

(p) have custody of the seals and stamps of the Tribunal, of the archives of the Tribunal, and of such other archives as may be entrusted to the Tribunal.

2. The Tribunal may at any time entrust additional functions to the Registrar.

3. In the discharge of his functions the Registrar shall be responsible to the Tribunal.

Article 29

1. The Deputy Registrar shall assist the Registrar, act as Registrar in the latter's absence and, in the event of the office becoming vacant, exercise the functions of Registrar until the office has been filled.

2. If both the Registrar and the Deputy Registrar are unable to carry out the duties of Registrar, the President shall appoint an official of the Registry to discharge those duties for such time as may be necessary. If both offices are vacant at the same time, the President, after consulting the Members of the Tribunal, shall appoint an official of the Registry to discharge the duties of Registrar pending an election to that office.

Article 30

1. The Registry shall comprise the Registrar, the Deputy Registrar, and such other staff as shall be appointed and take office pursuant to article 27 as the Registrar shall require for the efficient discharge of his functions.

2. The Tribunal shall prescribe the organization of the Registry, and shall for this purpose request the Registrar to make proposals.

3. Instructions for the Registry shall be drawn up by the Registrar and approved by the Tribunal.

4. The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, and approved by the Tribunal.

Article 31

1. The Registrar may resign from office with two months' notice tendered in writing to the President. He may be removed from office only if, in the opinion of two thirds of the Members of the Tribunal, he has either become permanently incapacitated from exercising his functions or has committed a serious breach of his duties.

2. Before a decision to remove him is taken under this article, the Registrar shall be informed by the President of the action contemplated, in a written statement which shall include the grounds therefor and any relevant evidence. He shall subsequently, at a private meeting of the Tribunal, be afforded an opportunity of making a statement, of furnishing any information or explanations he wishes to give, and of supplying answers, orally or in writing, to any questions put to him. He may be represented by counsel at such meetings.

3. The Deputy Registrar and other staff may resign from office with one month's notice tendered in writing to the President through the Registrar. They may be removed from office only on the same grounds and by the same procedure as specified in paragraphs 1 and 2 of this article.

PART IV

PROCEEDINGS IN DISPUTES

Section A. Declarations, agreements, communications and notices

Subsection 1. Declarations and agreements

Article 32

1. Duly certified copies of declarations deposited with the Secretary-General of the United Nations accepting the jurisdiction of the Tribunal in accordance with article 287 of the Convention, article 7 of annex IX thereto, and any notice of revocation thereof shall be maintained with the records of the Tribunal by the Registrar.

2. An entity other than a State Party to which the dispute settlement procedures are open in accordance with article 291, paragraph 2 of the Convention, article 20, paragraph 2, and article 21 of the Statute, and which is party to a dispute submitted to the Seabed Disputes Chamber, shall make a declaration to be deposited with the Registrar accepting the jurisdiction of the Seabed Disputes Chamber, in accordance with the Convention, and with the terms and subject to the conditions of the Statute and these Rules, and undertaking to comply in good faith with the decisions of the Chamber and to accept the obligations under article 296 of the Convention.

Article 33

1. Duly certified copies of the agreements referred to in article 288, paragraph 2, of the Convention, article 20, paragraph 2, articles 21 or 22 of the Statute, accepting the jurisdiction of the Tribunal or its Seabed Disputes Chamber as the case may be, shall be deposited with the Registrar.

2. A State which is not a State Party but is a party to such an agreement conferring jurisdiction on the Tribunal shall make a declaration to be deposited with the Registrar, accepting the jurisdiction of the Tribunal or its Seabed Disputes Chamber as the case may be, in accordance with the Convention, and with the terms and subject to the conditions of the Statute and these Rules and with the agreement conferring jurisdiction, and undertaking to comply in good faith with the decisions of the Tribunal and to accept the obligations under article 296 of the Convention. Such a declaration shall not be required if the agreement contains express provisions fulfilling the conditions of such declarations.

3. An entity other than a State which is a party to such an agreement conferring jurisdiction on the Tribunal, and to which the dispute settlement procedures are open in accordance with article 291, paragraph 2, of the Convention, article 20, paragraph 2, and article 21 of the Statute shall make a declaration to be deposited with the Registrar, accepting the jurisdiction of the Seabed Disputes Chamber, in accordance with the Convention, and with

the terms and subject to the conditions of the Statute and these Rules, and undertaking to comply in good faith with the decisions of the Chamber and to accept all the obligations under article 296 of the Convention. Such a declaration shall not be required if the agreement contains express provisions fulfilling the conditions of such declarations.

Article 34

1. All questions as to the validity or the effect of a declaration made or of an agreement deposited under the terms of articles 32 and 33 shall be decided by the Tribunal or its Seabed Disputes Chamber as the case may be.

2. The original declarations made under the terms of articles 32, paragraph 2, and 33, paragraphs 2 and 3, and the copies of agreements referred to in article 33, paragraph 1, of these Rules shall, in accordance with the practice of the Tribunal, be kept in the custody of the Registrar and copies thereof transmitted to all States Parties, to the Secretary-General of the United Nations and to the Secretary-General of the International Seabed Authority. Copies shall also be transmitted to such other States and to entities other than States that are parties to the agreement or agreements, with respect to which such agreements have been deposited with the Registrar or declarations have been made under the terms of articles 32 and 33.

3. For the purposes of this part, a certified copy of a document shall bear an attestation by or on behalf of the custodian of the original or the party submitting it as being a true and accurate copy thereof.

Subsection 2. Communications and notices

Article 35

All communications to the Tribunal under these Rules shall be addressed to the Registrar unless otherwise stated. Any request made by a party shall likewise be addressed to the Registrar unless made in open court in the course of the oral proceedings.

Article 36

1. For the service of all notices upon persons, natural or juridical, other than the agents, counsel, and advocates, the Tribunal shall apply direct to the Government of the State upon whose territory the notice has to be served.

2. The service of notices upon entities other than States shall be as follows:

(a) in the case of intergovernmental organizations, the International Seabed Authority or the Enterprise, the Tribunal shall direct all communications to the competent body or executive head of such organization at its headquarters location;

(b) in the case of entities referred to in article 153, paragraph 2 (b), of the Convention, the Tribunal shall apply direct to the Government of the sponsoring State referred to in that article;

(c) in the case of entities referred to in resolution II, paragraph 1 (a), of the Third United Nations Conference on the Law of the Sea, the Tribunal shall apply direct to the Government of the certifying State referred to in paragraph 1 (c) thereof.

3. The same provisions shall apply whenever steps are to be taken to procure evidence on the spot.

Section B. The composition of the Tribunal for particular cases

Article 37

1. If the President of the Tribunal is a national of one of the parties in a case, a national of a State member of an international organization which is a party in a case, or of the same nationality as an entity other than a State which is a party in a case, he shall not exercise the functions of the presidency in respect of that case. The same rule applies to the Vice-President, or to any Member, when called on to act as President.

2. The Member of the Tribunal who is presiding in a case on the date on which the Tribunal convenes for the oral proceedings shall continue to preside in that case until completion of the current phase of the case, notwithstanding the election in the meantime of a new President or Vice-President. If he should become unable to act, the presidency for the case shall be determined in accordance with article 14 of these Rules, and on the basis of the composition of the Tribunal on the date on which it convenes for the oral proceedings.

Article 38

Except as provided in article 19 of these Rules, Members of the Tribunal who have been replaced, in accordance with article 5, paragraph 3, of the Statute following the expiration of their terms of office, shall discharge the duty imposed upon them by that paragraph by continuing to sit until the completion of any phase of a case in respect of which the Tribunal convenes for the oral proceedings prior to the date of such replacement.

Article 39

1. In case of any doubt arising as to the application of article 8, paragraph 1, of the Statute or in case of a disagreement between the Member concerned and the President as to the application of article 8, paragraphs 2 and 3, of the Statute, the President shall inform the other Members of the Tribunal. The matter shall be settled by the decision of the majority of the

other Members present in accordance with article 8, paragraph 4, of the Statute.

2. If a party desires to bring to the attention of the Tribunal facts which it considers to be of possible relevance to the application of the provisions of article 8 of the Statute, but which it believes may not be known to the Tribunal, that party shall communicate confidentially such facts to the President in writing, who shall in turn inform the other Members.

Article 40

1. If a party proposes to exercise the power conferred by article 17 of the Statute to choose a Member ad hoc in a case, it shall notify the Tribunal of its intention as soon as possible. If the name and nationality of the Member selected are not indicated at the same time, the party shall, not later than two months before the time-limit fixed for the filing of the counter-memorial, inform the Tribunal of the name and nationality of the person chosen and supply brief biographical details. The Member ad hoc may be of a nationality other than that of the party which chooses him.

2. If a party proposes to abstain from choosing a Member ad hoc, on condition of a like abstention by the other party, it shall so notify the Tribunal which shall inform the other party. If the other party thereafter gives notice of its intention to choose, or chooses, a Member ad hoc, the time-limit for the party which has previously abstained from choosing a Member may be extended up to 30 days by the President.

3. A copy of any notification relating to the choice of a Member ad hoc shall be communicated by the Registrar to the other party, which shall be requested to furnish, within a time-limit not exceeding 30 days to be fixed by the President, such observations as it may wish to make. If within the said time-limit no objection is raised by the other party, and if none appears to the Tribunal itself, the parties shall be so informed.

4. In the event of any objection or doubt, the matter shall be decided by the Tribunal, if necessary after hearing the parties.

5. A Member ad hoc who has accepted appointment but who becomes unable to sit may be replaced in the same manner as laid down for appointments under the foregoing paragraphs subject to such time-limits as may be fixed by the President.

6. If and when the reasons for the participation of a Member ad hoc are found no longer to exist, he shall cease to sit on the bench.

Article 41

1. If the Tribunal finds that two or more parties are in the same interest, and therefore are to be reckoned as one party only, and that there is no Member of the Tribunal of the nationality of any one of these parties upon the bench, the Tribunal shall fix a time-limit within which they may jointly choose a Member ad hoc.

2. Should any party amongst those found by the Tribunal to be in the same interest allege the existence of a separate interest of its own, or put forward any other objection, the matter shall be decided by the Tribunal, if necessary after hearing the parties.

Article 42

1. If a Member of the Tribunal having the nationality of one of the parties is or becomes unable to sit in any phase of a case, that party shall thereupon become entitled to choose a Member ad hoc within a time-limit to be fixed by the Tribunal, or by the President if the Tribunal is not sitting.

2. Parties in the same interest shall be deemed not to have a Member of one of their nationalities upon the bench if the Member of the Tribunal having one of their nationalities is or becomes unable to sit in any phase of the case.

3. If the Member of the Tribunal having the nationality of a party becomes able to sit not later than the closure of the written proceedings in that phase of the case, that Member of the Tribunal shall resume his seat on the bench in the case.

Article 43

1. For the purpose of exercising the power conferred by article 17 of the Statute, the Authority and any other international organization of a universal character or the Enterprise shall not be considered as having a nationality and Members of the Tribunal shall not be considered as being nationals of any member State of such an organization for the purpose of applying articles 40 to 42 of these Rules. Such an organization may exercise the power to appoint a Member ad hoc of any nationality it chooses, subject to the provision in article 3, paragraph 1, of the Statute.

2. Articles 40 to 42 shall, subject to paragraphs 3 to 5 hereunder, apply mutatis mutandis to an international organization and to entities having more than one nationality, as in the case of a partnership or consortium of entities from several States, or entities effectively controlled by more than one State or its nationals.

3. Where an international organization is a party to a case, and more than one Member of the Tribunal as constituted for the case is a national of a State member of such international organization, then the President in consultation with the parties may request specified Members of the Tribunal

who have the nationality of member States of such international organization to withdraw from the bench. Such organization may not thereafter exercise the power conferred by article 17 of the Statute to appoint a Member ad hoc and the other party may appoint Members ad hoc in a corresponding number to the remaining Members who are nationals of member States of the organization which shall include any Member of the Tribunal of its nationality sitting with the bench constituted for that case.

4. Should an international organization allege the existence of separate interests between any of its member States whose nationals are upon the bench, and the interests of the organization for the purpose of the case, then the matter shall be decided by the other Members of the Tribunal who are not of the nationality of States members of the organization, if necessary after hearing the parties. The appointment of Members ad hoc by the other party under paragraph 3 shall be reduced to a number corresponding to the different interests determined by the Tribunal.

5. Where an entity having more than one nationality, as in the case of a partnership or consortium of entities from several States, or entities effectively controlled by more than one State or its nationals, is party to a case, and one or more of the Members of the Tribunal constituted for the case is of any of those nationalities, then such party may not exercise the power to appoint a Member ad hoc and the other party may appoint Members ad hoc in a corresponding number which shall include any Member of the Tribunal of its nationality sitting with the bench constituted for that case.

6. In any case referred to in paragraph 3 or 5 above, the international organization or other entity concerned may request that any Member or Members of the Tribunal as constituted for the case of the same nationality as its member States or component entities be not included in the composition of the bench for the case.

Section C. Proceedings before the Tribunal

Subsection 1. Institution of proceedings

Article 44

1. When proceedings before the Tribunal are instituted by means of an application addressed as specified in article 24, paragraph 1, of the Statute, the application shall indicate the party making it, the party against which the claim is brought, and the subject of the dispute.

2. The application shall specify as far as possible the legal grounds upon which the jurisdiction of the Tribunal is said to be based; it shall also specify the precise nature of the claim, together with a succinct statement of the facts and grounds on which the claim is based.

3. The original of the application shall be signed either by the agent of the party submitting it, or by the diplomatic representative of that party in the country in which the Tribunal has its seat, or by some other duly

authorized person. If the application bears the signature of someone other than such diplomatic representative, the signature must be authenticated by the latter or by the competent governmental authority.

4. The Registrar shall forthwith transmit to the respondent a certified copy of the application.

5. When the applicant has accepted jurisdiction and proposes to found the jurisdiction of the Tribunal upon a consent thereto yet to be given or manifested by the other party to the dispute, the application shall be transmitted to that party. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the party against which such application is made consents to the jurisdiction of the Tribunal for the purposes of the case. Such consent may be given in a declaration or agreement and may be subject to qualifications included therein.

6. When proceedings are instituted by entities other than States Parties, the provisions of Part V of these Rules shall apply as appropriate.

Article 45

1. When proceedings are brought before the Tribunal by the notification of a special agreement, in conformity with article 24, paragraph 1, of the Statute, the notification may be effected by the parties jointly or by any one or more of them. If the notification is not a joint one, a certified copy of it shall forthwith be communicated by the Registrar to the other party.

2. In each case the notification shall be accompanied by an original or certified copy of the special agreement. The notification shall also, in so far as this is not already apparent from the agreement, indicate the precise subject of the dispute and identify the parties to it.

Article 46

1. All steps on behalf of the parties after proceedings have been instituted shall be taken by agents. This shall not apply in the circumstances contemplated by article 44, paragraph 5, of these Rules unless and until jurisdiction has been accepted by the party against which the application is made. Agents shall have an address for service at the seat of the Tribunal to which all communications concerning the case are to be sent. Communications addressed to the agents of the parties shall be considered as having been addressed to the parties themselves.

2. When proceedings are instituted by means of an application, the name of the agent for the applicant shall be stated. The respondent, upon receipt of the certified copy of the application, or as soon as possible thereafter, shall inform the Tribunal of the name of its agent.

3. When proceedings are brought by notification of a special agreement, the party making the notification shall state the name of its agent. Any other party to the special agreement, upon receiving from the Registrar a certified copy of such notification, or as soon as possible thereafter, shall inform the Tribunal of the name of its agent if it has not already done so.

Article 47

1. The institution of proceedings by an entity which is not a State Party but which has accepted the jurisdiction of the Tribunal in an agreement referred to or by a declaration made in accordance with article 32, paragraph 2, or article 33 of these Rules shall be accompanied by a deposit of the declaration or agreement in question, unless the latter has previously been deposited with the Registrar.

2. An application by an international organization shall be accompanied by the relevant declarations and notifications under articles 4, 5 and 7 of annex IX to the Convention, or certified copies thereof, on the basis of which it claims competence on behalf of its member States which are States Parties, over the subject-matter of the dispute.

3. If any question of the validity or effect of such a declaration or notification arises, the Tribunal or Seabed Disputes Chamber, as the case may be, shall decide.

4. When in an application by an international organization any question arises as to whether the international organization has competence over the subject-matter of the dispute, the Tribunal or Chamber may, on the request of the respondent or proprio motu, request the international organization and its member States concerned to provide further information. If the question is not resolved on the basis of such information, further proceedings shall be suspended until the issue is resolved under the framework of the organization concerned and communicated accordingly to the Tribunal.

Article 48

Whenever the interpretation or application of the Convention or an international agreement related to the purposes of the Convention to which States other than those concerned in the case are parties may be in question within the meaning of article 288, paragraph 2, of the Convention, or of articles 21 and 22, of the Statute, the Tribunal shall consider what directions shall be given to the Registrar in the matter to ensure that the interests of such State may be taken into account.

Subsection 2. Representation of parties

Article 49

1. The parties shall be represented by agents.

2. The parties may have the assistance of counsel or advocates before the Tribunal.

3. A State Party may at any time notify the Tribunal by an official communication as to who is authorized to act on its behalf for the purposes of proceedings under article 292 of the Convention.

Article 50

1. Agents representing a party to proceedings before the Tribunal as well as counsel and advocates appearing before the Tribunal shall, in the interests of the proper conduct of its proceedings, enjoy the privileges and immunities necessary for the independent exercise of their duties in accordance with the practice of international courts and tribunals and the relevant arrangements and agreements.

2. The Tribunal may direct the Registrar to take such measures as may be required for these purposes.

Article 51

1. Any agent, counsel or advocate whose conduct towards the Tribunal, a chamber, a Member or the Registrar is incompatible with the dignity of the Tribunal or who uses his rights for purposes other than those for which they were granted, may at any time be excluded from the proceedings by an order of the Tribunal or chamber; the person concerned shall first be informed by the President of the grounds therefor and shall be afforded an opportunity to defend himself by making a statement or furnishing an explanation he wishes to give. The order shall have effect immediately thereafter if the Tribunal maintains it.

2. Where a counsel or advocate is excluded from the proceedings, further proceedings shall be suspended for a period fixed by the President in order to allow the party concerned a reasonable opportunity to appoint another counsel or advocate.

3. Orders made under this article may be rescinded.

Subsection 3. Proceedings

Article 52

1. The proceedings shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Tribunal and to the parties of memorials, counter-memorials and, if necessary, replies and rejoinders, if the Tribunal so authorizes; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Tribunal.

4. A certified copy of every document produced by one party shall be communicated by the Registrar to the other party upon receipt.

5. The oral proceedings shall consist of the hearing by the Tribunal of witnesses, experts, agents, counsel and advocates.

Article 53

In every case submitted to the Tribunal, the President shall ascertain the views of the parties with regard to questions of procedure. For this purpose he shall summon the agents of the parties to meet him as soon as possible after their appointment, and whenever necessary thereafter.

Subsection 4. The written proceedings

Article 54

1. In the light of the views obtained by the President under article 53 of these Rules, the Tribunal shall make the necessary orders to determine, inter alia, the number and the order of filing of the pleadings and the time-limits within which they must be filed.

2. In making an order under paragraph 1 of this article, any agreement between the parties which does not cause unjustified delay shall be taken into account.

3. The Tribunal may, at the request of the party concerned, extend any time-limit, or decide that any step taken after the expiration of the time-limit fixed therefor shall first be considered as valid, if it is satisfied that there is adequate justification for the request. In either case the other party shall be given an opportunity to state its views within a time-limit to be specified by the Tribunal.

4. If the Tribunal is not sitting, its powers under this article shall be exercised by the President, but without prejudice to any subsequent decision

of the Tribunal. If the consultation referred to in article 53 reveals persistent disagreement between the parties as to the application of article 55, paragraph 2, and of article 56, paragraph 2, of these Rules, the Tribunal shall be convened to decide the matter.

Article 55

1. The pleadings in a case begun by means of an application shall consist, in the following order, of: a memorial by the applicant; a counter-memorial by the respondent.

2. The Tribunal may authorize or direct that there shall be a reply by the applicant and a rejoinder by the respondent if the parties are so agreed, or if the Tribunal decides, proprio motu or at the request of one of the parties, that these pleadings are necessary.

Article 56

1. In a case begun by the notification of a special agreement, the number and order of the pleadings shall be governed by the provisions of the agreement, unless the Tribunal, after ascertaining the views of the parties, decides otherwise.

2. If the special agreement contains no such provision, and if the parties have not subsequently agreed on the number and order of pleadings, they shall each file a memorial and counter-memorial, within the same time-limits. The Tribunal shall not authorize the presentation of replies unless it finds them to be necessary.

Article 57

The Tribunal may at any time, after consultation with the parties, direct that the proceedings in two or more cases be joined. It may also direct that the written or oral proceedings, including the calling of witnesses, be in common; or the Tribunal may, without effecting any formal joinder, direct common action in any of these respects.

Article 58

Time-limits for the completion of steps in the proceedings may be fixed by assigning a specified period but shall always indicate definite dates. Such time-limits shall be as short as the character of the case or application permits.

Article 59

1. A memorial shall contain a statement of the relevant facts, a statement of law, and the submissions.

2. A counter-memorial shall contain: an admission or denial of the facts stated in the memorial; any additional facts, if necessary; observations concerning the statement of law in the memorial; a statement of law in answer thereto; and the submissions.

3. The reply and rejoinder, whenever authorized by the Tribunal, shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.

4. Every pleading shall set out the party's submissions at the relevant stage of the case, distinctly from the arguments presented, or shall confirm the submissions previously made.

Article 60

1. There shall be annexed to the original of every pleading copies of any relevant documents adduced in support of the contentions contained in the pleading.

2. If only parts of a document are relevant, only such extracts as are necessary for the purpose of the pleading in question or for identifying the document need be annexed. A copy of the whole document shall be deposited in the Registry, unless it has been published and is readily available.

3. A list of all documents annexed to a pleading shall be furnished at the time the pleading is filed.

4. A certified copy of every document produced by one party shall be communicated by the Registrar to the other party upon receipt.

Article 61

1. If the parties are agreed that the written proceedings shall be conducted wholly in one of the official languages of the Tribunal, 3/ the pleadings shall be submitted only in that language. If the parties are not so agreed, any pleading or any part of a pleading shall be submitted in one or other of the official languages.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the judgment of the Tribunal shall be given in at least (...) 4/ of the official languages. In this case the Tribunal shall at the same time determine which of the texts shall be considered as authoritative.

3. The Tribunal shall, at the request of any party, authorize a language other than an official language to be used by that party.

4. If a language other than an official language is used, a translation into one of the official languages, certified as accurate by the party submitting it, shall be attached to the original of each pleading.

5. When a document annexed to a pleading is not in one of the official languages of the Tribunal, it shall be accompanied by a translation into one of these languages certified by or on behalf of the party submitting it as accurate. The translation may be confined to part of an annex, or to extracts therefrom, but in this case it must be accompanied by an explanatory note indicating what passages are translated. The Tribunal may however require a more extensive or a complete translation to be furnished.

Article 62 5/

1. The original of every pleading shall be signed by the agent and filed in the Registry. It shall be accompanied by a certified copy of the pleading, documents annexed, and any translations, for communication to the other party in accordance with article 52, paragraph 4, of these Rules, and by the number of additional copies required by the Registry, but without prejudice to an increase in that number should the need arise later.

2. All pleadings shall be dated. When a pleading has to be filed by a certain date, it is the date of receipt of the pleading in the Registry which will be regarded by the Tribunal as the material date.

3. If the Registrar arranges for the reproduction of a pleading at the request of a party, the text must be supplied in sufficient time to enable the pleading to be filed in the Registry before expiration of any time-limit which may apply to it. The reproduction is done under the responsibility of the party in question.

4. The correction of a slip or error in any document which has been filed may be made at any time with the consent of the other party or by leave of the President. Any correction so effected shall be notified to the other party in the same manner as the pleading to which it relates.

Article 63

1. The Tribunal, or the President if the Tribunal is not sitting, may at any time decide, after ascertaining the views of the parties to the dispute, that copies of the pleadings and documents annexed shall be made available to a State Party or to an entity other than a State Party which is entitled to appear before it in accordance with article 20, paragraph 2, of the Statute, and which has asked to be furnished with such copies.

2. The Tribunal may, after ascertaining the views of the parties, decide that copies of the pleadings and documents annexed shall be made accessible to the public on or after the opening of the oral proceedings.

Subsection 5. Oral proceedings

Article 64

1. Upon the closure of the written proceedings, the case is ready for hearing. The date for the opening of the oral proceedings shall be fixed by the Tribunal, which may also decide, if occasion should arise, that the opening or the continuance of the oral proceedings be postponed.

2. When fixing the date for, or postponing, the opening or continuance of the oral proceedings the Tribunal shall have regard to the priority required by articles 84 and 90 of these Rules and to any other special circumstances, including the urgency of a particular case and the views of the parties.

3. When the Tribunal is not sitting, its powers under this article shall be exercised by the President.

Article 65

The Tribunal may, if it considers it desirable, decide pursuant to article 1, paragraph 3, of the Statute that all or part of the further proceedings in a case shall be held at a place other than the seat of the Tribunal. Before so deciding, it shall ascertain the views of the parties.

Article 66

1. After the closure of the written proceedings, no further documents may be submitted to the Tribunal by either party except with the consent of the other party or as provided in paragraph 2 of this article. The party desiring to produce a new document shall file the original or a certified copy thereof, together with the number of copies required by the Registry, which shall be responsible for communicating it to the other party and shall inform the Tribunal. The other party shall be held to have given its consent if it does not lodge an objection to the production of the document within one month of receiving it.

2. In the event of objection, the Tribunal, after hearing the parties, may, if it considers the document necessary, authorize its production.

3. If a new document is produced under paragraph 1 or paragraph 2 of this article, the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.

4. No reference may be made during the oral proceedings to the contents of any document which has not been produced in accordance with article 52 or this article, unless the document is part of a publication readily available.

5. The application of the provisions of this article shall not in itself constitute a ground for delaying the opening or the course of the oral proceedings.

Article 67

Without prejudice to the provisions of these Rules concerning the production of documents, each party shall communicate to the Registrar, in sufficient time before the opening of the oral proceedings, information regarding any evidence which it intends to produce or which it intends to request the Tribunal to obtain. This communication shall contain a list of the surnames, first names, nationalities, descriptions and places of residence of the witnesses and experts whom the party intends to call, with indications in general terms of the point or points to which their evidence will be directed. A copy of the communication shall also be furnished for transmission to the other party.

Article 68

1. The Tribunal shall determine whether the parties should present their arguments before or after the production of the evidence; the parties shall, however, retain the right to comment on the evidence given.

2. The order in which the parties will be heard, the method of handling the evidence and of examining any witnesses and experts, and the number of counsel and advocates to be heard on behalf of each party, shall be settled by the Tribunal after the views of the parties have been ascertained in accordance with article 53 of these Rules.

Article 69

The hearings shall, in accordance with article 26, paragraph 2, of the Statute, be public, unless the Tribunal shall decide otherwise, or unless the parties demand that the public be not admitted. Such a decision or demand may concern either the whole or part of the hearing, and may be made at any time.

Article 70

1. The oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing. Accordingly, they shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered by the pleadings, or merely repeat the facts and arguments these contain.

2. At the conclusion of the last statement made by a party at the hearing, its agent, counsel or advocate, without recapitulation of the arguments, shall read that party's final submissions. A copy of the written text of these, signed by the agent, shall be communicated to the Tribunal and transmitted to the other party.

Article 71

1. The Tribunal may at any time prior to or during the hearing indicate any points or issues to which it would like the parties specially to address themselves, or on which it considers that there has been insufficient argument.

2. The Tribunal may, during the hearing, put questions to the agents, counsel and advocates, and may ask them for explanations.

3. Each Member or Member ad hoc has a similar right to put questions, but before exercising it he should make his intention known to the President, who is responsible for the control of the hearing in accordance with article 26, paragraph 1, of the Statute.

4. The agents, counsel and advocates may answer either immediately or within a time-limit fixed by the President.

Article 72

1. The Tribunal may at any time call upon the parties to produce such evidence or to give such explanations as the Tribunal may consider to be necessary for the elucidation of any aspect of the matters in issue, or may itself seek other information for this purpose.

2. The Tribunal may, if necessary, arrange for the attendance of a witness or expert to give evidence in the proceedings.

Article 73

1. The parties may call any witnesses or experts appearing on the list communicated to the Tribunal pursuant to article 67 of these Rules. If at any time during the hearing a party wishes to call a witness or expert whose name was not included in that list, it shall so inform the Tribunal and the other party, and shall supply the information required by article 67. The witness or expert may be called either if the other party makes no objection or if the Tribunal is satisfied that his evidence seems likely to prove relevant.

2. The Tribunal, or the President if the Tribunal is not sitting, shall, at the request of one of the parties or proprio motu, take the necessary steps for the examination of witnesses otherwise than before the Tribunal itself.

Article 74

Unless on account of special circumstances the Tribunal decides on a different form of words,

(a) every witness shall make the following solemn declaration before giving any evidence:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth";

(b) every expert shall make the following solemn declaration before making any statement:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth, and that my statement will be in accordance with my sincere belief."

Article 75

Witnesses and experts shall, under the control of the President, be examined by the agents, counsel or advocates of the parties. Questions may be put to them by the President and by the Members. Before testifying, witnesses other than experts shall remain out of court.

Article 76

The Tribunal may at any time decide, either proprio motu or at the request of a party, to exercise its functions with regard to the obtaining of evidence at a place or locality to which the case relates, subject to such conditions as the Tribunal may decide upon after ascertaining the views of the parties. The necessary arrangements shall be made in accordance with article 36 of these Rules.

Article 77

1. If the Tribunal considers it necessary to arrange for an inquiry or an expert opinion, it shall, after hearing the parties, issue an order to this effect, defining the subject of the inquiry or expert opinion, stating the number and mode of appointment of the persons to hold the inquiry or of the experts, and laying down the procedure to be followed. Where appropriate, the Tribunal shall require persons appointed to carry out an inquiry, or to give an expert opinion, to make a solemn declaration.

2. Every report or record of an inquiry and every expert opinion shall be communicated to the parties, which shall be given the opportunity of commenting upon it.

Article 78

Witnesses and experts who attend at the instance of the Tribunal under article 72, paragraph 2, and persons appointed by the Tribunal under article 77, paragraph 1, of these Rules, to carry out an inquiry or to give an expert

opinion, shall, where the Tribunal considers it appropriate, be paid out of the funds of the Tribunal.

Article 79

1. The Tribunal may, at any time prior to the closure of the oral proceedings, either proprio motu or at the request of one of the parties communicated as provided in article 67 of these Rules, request an appropriate international organization referred to in paragraph 4 of this article to furnish information relevant to a case before it. The Tribunal, after consulting the chief administrative officer of the organization concerned, shall decide whether such information shall be presented to it orally or in writing, and the time-limits for its presentation.

2. When such an international organization sees fit to furnish, on its own initiative, information relevant to a case before the Tribunal, it shall do so in the form of a memorial to be filed in the Registry before the closure of the written proceedings. The Tribunal shall retain the right to require such information to be supplemented, either orally or in writing, in the form of answers to any questions which it may see fit to formulate, and also to authorize the parties to comment, either orally or in writing, on the information thus furnished.

3. Whenever the construction of the constituent instrument of such an international organization or of an international convention adopted thereunder is in question in a case before the Tribunal, the Registrar shall, on the instructions of the Tribunal, or of the President if the Tribunal is not sitting, so notify the international organization concerned and shall communicate to it copies of all the written proceedings. The Tribunal, or the President if the Tribunal is not sitting, may, as from the date on which the Registrar has communicated copies of the written proceedings and after consulting the chief administrative officer of the international organization concerned, fix a time-limit within which the organization may submit to the Tribunal its observations in writing. These observations shall be communicated to the parties and may be discussed by them and by the representative of the said organization during the oral proceedings.

4. In the foregoing paragraphs, the term "international organization" denotes an international organization constituted by States, with the exception of those organizations referred to in article 1 (4) of these Rules.

Article 80

1. In the absence of any decision to the contrary by the Tribunal, all speeches and statements made and evidence given at the hearing in one of the official languages of the Tribunal shall be interpreted into the other official languages. If they are made or given in any other language, they shall be interpreted into the official languages of the Tribunal.

2. Whenever, in accordance with article 61, paragraph 4, of these Rules, a language other than an official language is used, the necessary arrangements for interpretation into one of the official languages shall be made by the party concerned; however, the Registrar shall make arrangements for the verification of the interpretation provided by a party of evidence given on the party's behalf. In the case of witnesses or experts who appear at the instance of the Tribunal, arrangements for interpretation shall be made by the Registrar.

3. A party on behalf of which speeches or statements are to be made, or evidence given, in a language which is not one of the official languages of the Tribunal, shall so notify the Registrar in sufficient time for him to make the necessary arrangements, including verification.

4. Before first interpreting in the case, interpreters provided by a party shall make the following solemn declaration:

"I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete."

Article 81

1. Minutes shall be made at each hearing and signed by the Registrar and the President. For this purpose, a verbatim record shall be made by the Registrar of every hearing, in the official language of the Tribunal which has been used. When the language used is not one of the official languages of the Tribunal, the verbatim record shall be prepared in one of the Tribunal's official languages.

2. When speeches or statements are made in a language which is not one of the official languages, the party on behalf of which they are made shall supply to the Registry in advance a text thereof in one of the official languages, and this text shall constitute the relevant part of the verbatim record.

3. The transcript of the verbatim record shall be preceded by the names of the Members and Member ad hoc present, and those of the agents, counsel and advocates of the parties.

4. Copies of the transcript shall be circulated to the Members and Members ad hoc sitting in the case, and to the parties. The latter may, under the supervision of the Tribunal, correct the transcripts of speeches and statements made on their behalf, but in no case may such corrections affect the sense and bearing thereof. The Members and Members ad hoc may likewise make corrections in the transcript of anything they may have said. One certified true copy of the eventual corrected transcript, signed by the President and the Registrar, shall constitute the authentic minutes of the sitting.

5. Witnesses and experts shall be shown that part of the transcript which relates to the evidence given, or the statements made, by them, and may correct it in like manner as the parties.

6. The minutes of public hearings shall be printed and published by the Tribunal.

Article 82

Any written reply by a party to a question put under article 71, or any evidence or explanation supplied by a party under article 72 of these Rules, received by the Tribunal after the closure of the oral proceedings, shall be communicated to the other party, which shall be given the opportunity of commenting upon it. If necessary the oral proceedings may be reopened for that purpose.

Section D. Incidental proceedings

Subsection 1. Provisional measures

Article 83

1. A written request for the prescription of provisional measures by the Tribunal or the Seabed Disputes Chamber may be made by a party at any time in accordance with paragraph 1 or 5 of article 290 of the Convention.

2. The request shall specify the reasons therefor, the possible consequences if it is not granted, and the measures requested. A certified copy shall forthwith be transmitted by the Registrar to the other party.

3. When a request for provisional measures has been made, the Tribunal may indicate measures that are in whole or in part other than those requested, or that ought to be taken or complied with by the party which has itself made the request.

Article 84

1. A request for the prescription of provisional measures shall have priority over all other cases. This shall not affect applications under article 292 of the Convention which shall be dealt with without delay.

2. If the Tribunal is not in session or if a sufficient number of its Members is not available to constitute a quorum, the Chamber of Summary Procedure formed under article 15, paragraph 3, of the Statute and article 17 of these Rules shall be convened forthwith for the purpose of proceeding to a decision on the request as a matter of urgency.

3. The Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date for a hearing which will afford the parties an opportunity of being represented at it. The Tribunal, or the Chamber of Summary Procedure as the case may be, shall receive and take into account any observations that may be presented to it by a party before the closure of the oral proceedings.

4. Pending the meeting of the Tribunal or Chamber, the President may call upon the parties to act in such a way as will enable any order the Tribunal or

Chamber may make on the request for provisional measures to have its appropriate effects.

Article 85

The rejection of a request for the prescription of provisional measures shall not prevent the party which made it from making a fresh request in the same case based on new facts.

Article 86

Any application by a party in accordance with article 290, paragraph 3, of the Convention requesting the modification or revocation of provisional measures shall specify the change in circumstances which justified them.

Article 87

Any measures prescribed by the Tribunal under article 290 of the Convention shall forthwith be notified in accordance with article 290, paragraph 4, of the Convention.

Article 88

The Tribunal may request information from the parties on any matter connected with the implementation of any provisional measures it has prescribed.

Subsection 2. Prompt release of vessels and crews

Article 89

1. Any application for the release of a vessel or its crew from detention may be made in accordance with article 292 of the Convention by the flag State of the vessel or on its behalf by a representative authorized under article 49, paragraph 3, of these Rules.

2. An application on behalf of a flag State shall be accompanied by an authorization under article 49, paragraph 3, of these Rules, if such authorization has not been previously submitted to the Tribunal.

3. The application and the authorization shall be duly authenticated in the manner provided in article 44, paragraph 3, of these Rules.

4. The application shall specify the time and location where the detention commenced, and contain a succinct statement of the facts and the basis and reasons for requesting release. The statement of facts shall contain relevant information concerning the vessel and crew, including the name, flag, and the port or place of registration of the vessel and its tonnage, cargo capacity,

data relevant to the determination of its value, the name and address of the vessel owner and operator and particulars regarding its crew. It shall also specify the amount, nature and terms of the bond or other financial security that may have been imposed by the detaining State and the extent to which such requirements have been complied with. The statement may include any further information the applicant considers relevant to the determination of the amount of a reasonable bond or other financial security and to any other issue in these proceedings.

5. A certified copy of the application shall forthwith be transmitted by the Registrar to the detaining State which may submit a statement in response containing such information as the detaining State considers relevant, including information relating to the circumstances in which the vessel is detained and, if relevant, the extent of damage claimed to have been caused by the vessel.

6. The Tribunal may, at any time, require further information to be provided in a supplementary statement.

Article 90

1. The Tribunal shall give priority to applications for release of vessels and/or crews and to requests for provisional measures over all other cases. When the Tribunal is seized simultaneously of an application for release of vessels and/or crews and of a request for provisional measures, it shall take the necessary decisions to ensure that both the application and the request shall be settled without delay.

2. The Tribunal, or the President, if the Tribunal is not sitting, shall fix the earliest practicable date, but not exceeding ten days, from the date of receipt of the application, for a hearing which will afford the parties an opportunity of being represented and submitting their oral or written observations.

3. If the applicant has so requested, and if the Tribunal is not in session, or a sufficient number of its Members is not available to constitute a quorum, the hearing and determination shall be made by the Chamber of Summary Procedure constituted under article 15, paragraph 3, of the Statute and article 17 of these Rules, unless, within one week of the receipt of notice of the application, but in any event not later than ten days following receipt of the said notice, the detaining State notifies the Tribunal that the proceedings should be before the Tribunal.

Article 91

1. The Tribunal or Chamber shall forthwith make a determination as to the release of the vessel and/or crew upon the posting of a reasonable bond or other financial security, and as to the nature, terms and amount thereof. The Tribunal or Chamber may determine that the nature, terms and amount of any bond or other financial security that may have been imposed by the detaining State are reasonable. The decision shall order the detaining State to release the

vessel and its crew upon the posting of such a reasonable bond or other financial security. At the request of the flag State, the Tribunal or Chamber may consider as sufficient financial security a guarantee which is enforceable in the detaining State as well as under international commercial practice, or a guarantee by the flag State accepted in practice between the flag State and the detaining State.

2. The order of the Tribunal or Chamber concerning the release of the vessel and its crew shall indicate that the bond or other financial security shall be posted with the Tribunal, unless a bond or security consistent with the nature, terms and amount determined by the Tribunal or the Chamber has been posted earlier with the detaining State, or at the request of the flag State the Tribunal or Chamber determines that it should be posted with the detaining State. In the latter case, the Tribunal shall first ascertain the views of the detaining State with which the bond or other financial security shall be posted.

3. The Registrar shall immediately communicate to the parties the determination and order of the Tribunal or Chamber.

4. Upon the posting of the bond or other financial security with the Tribunal or with the detaining State, as determined by the Tribunal or Chamber, the Registrar shall promptly notify the parties and communicate the order of the Tribunal or Chamber for the release of the vessel and/or its crew.

Article 92

Upon receipt of notification by the Tribunal from the detaining State of the release of the vessel and its crew and, upon confirmation thereof, the Tribunal shall terminate its proceedings.

Article 93

1. The Registrar shall endorse and/or transmit the bond or other financial security posted with the Tribunal or as directed by it, to the detaining State upon communication of the final judgment, award or decision of the competent domestic forum or authority against the vessel, its owner or its crew to the extent that it is required to satisfy such judgment or award.

2. The bond or other financial security, to the extent that it is not required to satisfy the judgement or award, shall be endorsed and/or transmitted in favour of the flag State or its authorized representative.

3. The Tribunal or Chamber shall, at the request of the flag State or the detaining State, as the case may be, take the necessary determinations for the bond or security to be:

(a) endorsed or released by the same means of payment in which the bond or other financial security was posted with the detaining State to the extent that it is not required to satisfy the final judgment or award of the appropriate domestic forum; or

(b) supplemented to the extent that it is required to satisfy the final judgment or award of the appropriate domestic forum.

Subsection 3. Preliminary proceedings

Article 94

1. When an application is made in respect of a dispute referred to in article 297 of the Convention, the Tribunal shall determine at the request of a party, or may determine proprio motu, in accordance with article 294 of the Convention, whether the claim constitutes an abuse of legal process or whether prima facie it is well founded.

2. Upon receipt by the Registry of such an application, the Tribunal, or the President if the Tribunal is not sitting, shall fix a time-limit within which the other party or parties may request a determination in accordance with paragraph 1 of article 294 of the Convention. The Registrar shall immediately notify the other party or parties of the application and of such time-limit and shall provisionally include the case on the general list, subject to its removal under paragraph 7.

3. Any party so notified may, in requesting such a determination, present a written statement of its observations and submissions; copies of documents in support of the statement shall be attached and evidence which it is proposed to produce shall be mentioned.

4. Unless otherwise decided on by the Tribunal, the further preliminary proceedings shall be oral.

5. The statements and evidence presented at the hearing contemplated by paragraph 4 shall be confined to those matters that are relevant to the determination whether that claim is prima facie well founded.

6. In order to enable the Tribunal to make a determination in accordance with article 294 of the Convention, it may, whenever necessary, request the parties to argue such questions of law and fact, and to adduce such evidence, which the Tribunal considers as bearing on the issue.

7. After hearing the parties, the Tribunal shall make its determination in the form of an order. In any case where the Tribunal determines that the claim constitutes an abuse of legal process or is prima facie unfounded, it shall direct the Registrar to remove the case from the general list and it shall take no further action in the case.

8. In any case where the Tribunal determines that the claim is, prima facie, well founded it shall fix time-limits for the further proceedings, without prejudice to the right of any parties to make preliminary objections in accordance with subsection 4 of this section of the Rules.

Subsection 4. Preliminary objections

Article 95

1. Any objection by the respondent to the jurisdiction of the Tribunal or to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits, shall be made in writing within the time-limit fixed for the delivery of the counter-memorial. Any such objection made by a party other than the respondent shall be filed within the time-limit fixed for the delivery of that party's first pleading.

2. The preliminary objection shall set out the facts and the law on which the objection is based, the submissions and a list of the documents in support; it shall mention any evidence which the party may desire to produce. Copies of the supporting documents shall be attached.

3. Upon receipt by the Registry of a preliminary objection, the proceedings on the merits shall be suspended and the Tribunal, or the President if the Tribunal is not sitting, shall fix the time-limit within which the other party may present a written statement of its observations and submissions; copies of documents in support shall be attached and evidence which it is proposed to produce shall be mentioned.

4. Unless otherwise decided by the Tribunal, the further proceedings relating to the preliminary objection shall be oral.

5. The statements of fact and law in the pleadings referred to in paragraphs 2 and 3, and the statements and evidence presented at the hearings contemplated by paragraph 4, shall be confined to those matters that are relevant to the objection.

6. In order to enable the Tribunal to determine its jurisdiction at this preliminary stage of the proceedings, the Tribunal, whenever necessary, may request the parties to argue all questions of law and fact, and to adduce all evidence, which bear on the issue.

7. After hearing the parties, the Tribunal shall give its decision in the form of a judgment, by which it shall either uphold the objection, reject it or declare that the objection does not possess, in the circumstances of the case, an exclusively preliminary character. If the Tribunal rejects the objection or declares that it does not possess an exclusively preliminary character, it shall fix time-limits for the further proceedings.

8. Any agreement between the parties that an objection submitted under paragraph 1 be heard and determined within the framework of the merits shall be given effect by the Tribunal.

Subsection 5. Counter-claims

Article 96

1. A counter-claim may be presented provided that it is directly connected with the subject-matter of the claim of the other party and that it comes within the jurisdiction of the Tribunal.

2. A counter-claim shall be made in the counter-memorial of the party presenting it, and shall appear as part of the submissions of that party.

3. In the event of doubt as to the connection between the question presented by way of counter-claim and the subject-matter of the claim of the other party the Tribunal shall, after hearing the parties, decide whether or not the question thus presented shall be joined to the original proceedings.

Subsection 6. Intervention

Article 97

1. An application for permission to intervene under the terms of article 31 of the Statute, signed in the manner provided for in article 44, paragraph 3, of these Rules, shall be filed as soon as possible, and not later than the closure of the written proceedings. In exceptional circumstances, an application submitted at a later stage may however be admitted.

2. The application shall state the name of an agent. It shall specify the case to which it relates, and shall set out:

(a) the interest of a legal nature which the State Party applying to intervene considers may be affected by the decision in that case;

(b) the precise object of the intervention;

(c) any basis of jurisdiction which is claimed to exist as between the State Party applying to intervene and the parties to the case.

3. The application shall contain a list of the documents in support, copies of which documents shall be attached.

Article 98

1. A State Party or an entity other than a State Party referred to in article 291, paragraph 2, of the Convention and article 20, paragraph 2, of the Statute which desires to avail itself of the right of intervention conferred upon it by article 32 of the Statute shall file a declaration to that effect. A declaration by a State Party shall be signed in the manner provided for in article 44, paragraph 3, the declaration by an entity other than a State Party shall be signed in the manner provided for in article 44, paragraph 5, and shall be in compliance with part V, article 127, of these Rules. Such declarations

shall be filed as soon as possible, and not later than the date fixed for the opening of the oral proceedings. In exceptional circumstances a declaration submitted at a later stage may however be admitted.

2. The declaration shall state the name and address of an agent. It shall specify the case and the international agreement to which it relates and shall contain:

(a) particulars of the basis on which the declarant considers itself a party to the international agreement;

(b) identification of the particular provisions of the international agreement the interpretation or application of which it considers to be in question;

(c) a statement of the interpretation or application of those provisions for which it contends;

(d) a list of the documents in support, copies of which documents shall be attached.

3. Such a declaration may be filed by a State Party or entity other than a State Party that considers itself a party to the international agreement the interpretation or application of which is in question but has not received the notification referred to in article 32, paragraph 2, of the Statute.

Article 99

1. Certified copies of the application for permission to intervene under article 31 of the Statute, or of the declaration of intervention under article 32 of the Statute, shall be communicated forthwith to the parties to the case, which shall be invited to furnish their written observations within a time-limit to be fixed by the Tribunal or by the President if the Tribunal is not sitting.

2. The Registrar shall also transmit copies to: (a) States Parties; (b) the Secretary-General of the United Nations; (c) the Secretary-General of the International Seabed Authority when it relates to matters affecting the exploration and exploitation of the Area; (d) any other parties which have to be notified under article 32, paragraph 2, of the Statute.

Article 100

1. The Tribunal shall decide whether an application for permission to intervene under article 31 of the Statute should be granted, and whether an intervention under article 32 of the Statute is admissible, as a matter of priority in the context of the case.

2. If, within the time-limit fixed under article 99 of these Rules, an objection is filed to an application for permission to intervene, or to the

admissibility of a declaration of intervention, the Tribunal shall hear the State or entity other than a State seeking to intervene and the parties before deciding.

Article 101

1. If an application for permission to intervene under article 31 of the Statute is granted, the intervening State Party shall be supplied with copies of the pleadings and documents annexed and shall be entitled to submit a written statement within a time-limit to be fixed by the Tribunal. A further time-limit shall be fixed within which the parties may, if they so desire, furnish their written observations on that statement prior to the oral proceedings. If the Tribunal is not sitting, these time-limits shall be fixed by the President.

2. The time-limits fixed according to the preceding paragraph shall, so far as possible, coincide with those already fixed for the pleadings in the case.

3. The intervening State Party shall be entitled, in the course of the oral proceedings, to submit its observations with respect to the subject-matter of the intervention.

Article 102

1. If an intervention under article 32 of the Statute is admitted, the intervening State Party or entity other than a State Party shall be furnished with copies of the pleadings and documents annexed, and shall be entitled, within a time-limit to be fixed by the Tribunal, or by the President if the Tribunal is not sitting, to submit its written observations on the subject-matter of the intervention.

2. These observations shall be communicated to the parties and to any other State Party or entity other than a State Party admitted to intervene. The intervening party shall be entitled, in the course of the oral proceedings, to submit its observations with respect to the subject-matter of the intervention.

Subsection 7. Special reference to the Tribunal

Article 103

1. When, in accordance with the Convention or an international agreement in force related to the purposes of the Convention conferring jurisdiction on the Tribunal, a dispute is submitted to the Tribunal by means of an application or notification of a special agreement concerning a matter which has been the subject of proceedings before another international court or tribunal or other international body, the provisions of the Convention, the Statute and these Rules which govern disputes shall apply.

2. The application or notification of special agreement instituting proceedings shall identify the decision or other act of the court or tribunal or

other international body concerned and a copy thereof shall be annexed; where the dispute is submitted in accordance with an international agreement related to the purposes of the Convention, a certified copy of such agreement conferring jurisdiction on the Tribunal shall be annexed; the application shall contain a precise statement of the questions raised in regard to the decision or act, which constitute the subject of the dispute referred to the Tribunal.

Subsection 8. Discontinuance

Article 104

1. If at any time before the final judgment on the merits has been delivered the parties, either jointly or separately, notify the Tribunal in writing that they have agreed to discontinue the proceedings, the Tribunal shall make an order recording the discontinuance and directing the Registrar to remove the case from the general list.

2. If the parties have agreed to discontinue the proceedings in consequence of having reached a settlement of the dispute and if they so desire, the Tribunal shall record this fact in the order for the removal of the case from the list, or indicate in, or annex to, the order, the terms of the settlement.

3. If the Tribunal is not sitting, its powers under this article may be exercised by the President.

Article 105

1. If in the course of proceedings instituted by means of an application, the applicant informs the Tribunal in writing that it is not going on with the proceedings, and if, at the date on which this communication is received by the Registry, the respondent has not yet taken any step in the proceedings, the Tribunal shall make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the general list. A copy of this order shall be sent by the Registrar to the respondent.

2. If, at the time when the notice of discontinuance is received, the respondent has already taken some step in the proceedings, the Tribunal shall fix a time-limit within which the respondent may state whether it opposes the discontinuance of the proceedings. If no objection is made to the discontinuance before the expiration of the time-limit, acquiescence will be presumed and the Tribunal shall make an order officially recording the discontinuance of the proceedings and directing the Registrar to remove the case from the general list. If objection is made, the proceedings shall continue.

3. If the Tribunal is not sitting, its powers under this article may be exercised by the President.

Section E. Proceedings before the Special Chambers

Article 106

Proceedings before the chambers mentioned in article 15 of the Statute shall, subject to the provisions of the Convention, the Statute and of these Rules relating specifically to the chambers, be governed by the provisions of parts I to III and sections A to D of part IV of these Rules applicable in disputes before the Tribunal.

Article 107

1. When it is desired that a case should be dealt with by one of the chambers which has been formed in pursuance of article 15, paragraphs 1 or 3, of the Statute, a request to this effect shall either be made in the document instituting the proceedings or accompanying it. Effect will be given to the request if the parties are in agreement.

2. Upon receipt by the Registry of this request, the President of the Tribunal shall communicate it to the Members of the chamber concerned. He shall, pursuant to article 17, paragraph 4, of the Statute, in consultation with the parties, request specified Members of the Tribunal forming the chamber, as many as necessary, to give place to the Members of the Tribunal of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the Members specially chosen by the parties.

3. A request that a case be brought before a chamber to be formed under article 15, paragraph 2, of the Statute shall be contained in the document instituting the proceedings or accompanying it. Effect will be given to the request if the parties are in agreement and the composition of the chamber shall be determined by the Tribunal with the approval of the parties.

4. The President of the Tribunal shall convene the chamber at the earliest date compatible with the requirements of the procedure.

Article 108

An application for the prescription of provisional measures may be dealt with by the Chamber of Summary Procedure formed under article 15, paragraph 3, of the Statute at the request of any party to the dispute, if the Tribunal is not in session or a sufficient number of Members is not available to constitute a quorum.

Article 109

1. Written proceedings in a case before a chamber shall consist of a single pleading by each side. In proceedings begun by means of an application, the pleadings shall be delivered within successive time-limits. In proceedings begun by the notification of a special agreement, the pleadings shall be

delivered within the same time-limits, unless the parties have agreed on successive delivery of their pleadings. The time-limits referred to in this paragraph shall be fixed by the Tribunal, or by the President if the Tribunal is not sitting, in consultation with the chamber concerned if it is already constituted.

2. The chamber may authorize or direct that further pleadings be filed if the parties are so agreed, or if the chamber decides, proprio motu or at the request of one of the parties, that such pleadings are necessary.

3. Oral proceedings shall take place unless the parties agree to dispense with them, and the chamber consents. Even when no oral proceedings take place, the chamber may call upon the parties to supply information or furnish explanations orally.

Section F. Judgments, interpretation and revision

Subsection 1. Judgments

Article 110

1. When the Tribunal or a chamber has completed its deliberations and adopted its judgment, the parties shall be given reasonable notice of the date on which it will be read.

2. The judgment shall be read at a public sitting of the Tribunal or chamber, as the case may be, and shall become binding on the parties on the day of the reading. Where the judgment is to be rendered as a matter of urgency, or if the Tribunal or a chamber otherwise considers expedient, the President or Acting President may read the judgment at a public sitting at which all Members and Members ad hoc constituting the bench for the case may not be present.

Article 111

1. The judgment, which shall state whether it is given by the Tribunal or a chamber, shall contain:

(a) the date on which it is read;

(b) the names of the Members and Members ad hoc participating in it;

(c) the names of the parties;

(d) the names of the agents, counsel and advocates of the parties;

(e) a summary of the proceedings;

(f) the submissions of the parties;

(g) a statement of the facts;

(h) the reasons of fact and law on which it is based;

(i) the operative provisions of the judgment;

(j) the decision, if any, in regard to costs;

(k) the number and names of the Members and Members ad hoc of the Tribunal constituting the majority, and those constituting the minority;

(l) a statement as to the text of the judgment which is authoritative.

2. Any Member or Member ad hoc of the Tribunal or chamber is entitled to attach his separate opinion to the judgment whether or not he dissents from the majority in whole or in part; a Member or Member ad hoc of the Tribunal or chamber who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration. The same shall also apply to orders made by the Tribunal or chamber.

3. One copy of the judgment duly signed by the President and by the Registrar and sealed, shall be placed in the archives of the Tribunal and another shall be transmitted to each of the parties. Copies shall be transmitted by the Registrar to: (a) States Parties; (b) the Secretary-General of the United Nations; (c) the Secretary-General of the International Seabed Authority; (d) in a case submitted under an agreement pursuant to article 20, paragraph 2, article 21 or article 22 of the Statute, the parties to such agreement.

Article 112

When by reason of an agreement reached between the parties, the written and oral proceedings have been conducted in one of the Tribunal's official languages; pursuant to article 61 of these Rules, the judgment is to be delivered in that language and the text of the judgment in that language shall be the authoritative text.

Article 113

If the Tribunal or a chamber has decided in a judgment or order that under article 34 of the Statute all or part of a party's cost shall be paid by the other party, it shall, if necessary, make an order determining the form and amount of payment to be made.

Subsection 2. Requests for the interpretation or revision of a judgment

Article 114

1. In the event of a dispute as to the meaning or scope of a judgment rendered by the Tribunal, any party may, in accordance with article 33 of the Statute,

make a request for its interpretation, whether the original proceedings were begun by an application or by the notification of a special agreement.

2. A request for the interpretation of a judgment may be made either by an application or by the notification of a special agreement to that effect between the parties; the precise point or points in dispute as to the meaning or scope of the decision shall be indicated.

3. If the request for interpretation is made by an application, the requesting party's contentions shall be set out therein, and the other party shall be notified and shall be entitled to file written observations thereon within a time-limit fixed by the Tribunal, or by the President if the Tribunal is not sitting.

4. Whether the request is made by an application or by notification of a special agreement, the Tribunal may, if necessary, afford the parties the opportunity of furnishing further written or oral explanations.

Article 115

1. A request for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Tribunal and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. A request for the revision of a judgment shall be made by an application containing the particulars necessary to show that the conditions specified in paragraphs 1, 3 and 4 of this article are fulfilled. Any document in support of the application shall be annexed to it.

3. The application for revision must be made at the latest within six months of the discovery of the new fact.

4. No application for revision may be made after the lapse of ten years from the date of the judgment.

5. The other party shall be entitled to file written observations on the admissibility of the application within a time-limit fixed by the Tribunal, or by the President if the Tribunal is not sitting. These observations shall be communicated to the party making the application. 6/

Article 116

1. The Tribunal, before giving its decision on the admissibility of the application for revision, shall afford the parties a further opportunity of presenting their views thereon.

2. The proceedings for revision shall be opened by a decision of the Tribunal in the form of a judgment expressly recording the existence of the new fact,

recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. When appropriate, the Tribunal may require previous compliance with the terms of the judgment in respect of which the application is made before it admits proceedings in revision. In such case it shall make an order that the admission of proceedings in revision is conditional on previous compliance with such decision.

4. If the Tribunal finds that the application is admissible it shall fix time-limits for such further proceedings on the merits of the application as, after ascertaining the views of the parties, it considers necessary.

Article 117

1. If the judgment to be revised or to be interpreted was given by the Tribunal, the request for its revision or interpretation shall be dealt with by the Tribunal. If the judgment was given by a chamber, the request for its revision or interpretation shall be dealt with by that chamber, or if that is not possible, then a chamber composed in a similar manner.

2. If the composition of the chamber requires the approval of the parties which cannot be obtained within time-limits fixed by the Tribunal, the request shall be dealt with by a chamber constituted in a similar manner by the Tribunal.

3. The decision of the Tribunal, or of the chamber, on a request for interpretation or revision of a judgment shall itself be given in the form of a judgment.

Section G. Modifications proposed by the parties

Article 118

The parties to a case may jointly propose particular modifications or additions to the Rules contained in the present part (with the exception of articles 109 to 113 inclusive), which may be applied by the Tribunal or by a chamber if the Tribunal or the chamber considers them appropriate in the circumstances of the case.

PART V

THE SEABED DISPUTES CHAMBER

Section A. Members, Members ad hoc and experts of the Chamber

Subsection 1. The Members and Members ad hoc of the Chamber

Article 119

1. The eleven Members of the Seabed Disputes Chamber are selected by secret ballot from among the Members of the Tribunal in accordance with article 35 of the Statute.

2. In the selection of Members of the Chamber, the Tribunal shall, in accordance with article 35, paragraph 2, of the Statute, assure the representation of the principal legal systems of the world and equitable geographical distribution; it shall also bear in mind any recommendations of a general nature adopted by the Assembly of the Authority in that regard.

3. For the purposes of a particular case, the Chamber may include upon the bench one or more persons chosen under article 17 of the Statute to sit as Members ad hoc.

4. In these Rules, the term "Member ad hoc of the Chamber" denotes any person chosen under article 17 of the Statute for the purposes of a particular case before the Chamber.

Article 120

1. The term of office of Members of the Chamber selected triennially shall begin to run from the (... day and month of first selection ...) 7/ in the year in which the vacancies to which they are selected occur. They shall continue to discharge their duties until their places have been filled.

2. The term of office of a Member of the Chamber selected to replace a Member whose term of office has not expired shall begin to run from the date of the selection for the remainder of the predecessor's term.

Article 121

1. The provisions of article 4, paragraphs 1, 3 and 4 of these Rules shall apply as between Members of the Chamber.

2. The Members of the Chamber shall, except as provided in paragraphs 3 and 4 of this article, take precedence according to the date on which their terms of office respectively began, as provided for by article 120 of these Rules.

3. In the Seabed Disputes Chamber, the President of the Chamber, while holding that office, shall take precedence before all other Members of the Chamber.

4. In the Seabed Disputes Chamber, the Member of the Chamber who, in accordance with article 4, paragraphs 1 and 3, of these Rules, and paragraph 2 of this article, takes precedence next after the President of the Chamber, is designated the "senior Member of the Chamber". If that Member is unable to act, the Member of the Chamber who is next after him in precedence and able to act is considered as senior Member.

Subsection 2. Members ad hoc

Article 122

1. The provisions of articles 8 and 9 of these Rules shall apply mutatis mutandis to the Members ad hoc of the Seabed Disputes Chamber.

2. The solemn declaration to be made by every Member ad hoc in the chamber shall be as set out in article 5, paragraph 1, of these Rules.

Subsection 3. Experts

Article 123

1. The powers with respect to the appointment of experts in accordance with article 289 of the Convention shall also belong to the Chamber and its ad hoc chambers and to the presidents thereof and may be exercised in the same manner as provided in article 10 of these Rules.

2. Before entering upon their duties, experts of the Chamber or its ad hoc chambers shall make the declaration undertaking the responsibilities referred to in article 10, paragraph 6.

Section B. The presidency of the Seabed Disputes Chamber

Article 124

The provisions of articles 11 to 15 of these Rules shall apply, mutatis mutandis, to the President or the presidency, as the case may be, of the Seabed Disputes Chamber.

Section C. Proceedings before the Seabed Disputes Chamber

Subsection 1. Proceedings

Article 125

Proceedings before the Seabed Disputes Chamber referred to in article 14 of the Statute shall, subject to the provisions of the Convention, the Statute and of these Rules relating specifically to the chambers, be governed by the

provisions of parts I to IiI and sections A to D of part IV of these Rules applicable in disputes before the Tribunal.

Article 126

1. Section C of part IV of these Rules shall apply to the Chamber with respect to disputes between States Parties.

2. Proceedings where a party to the dispute is an entity other than a State Party, or parties to the dispute are such entities, shall be governed by the provisions of this section.

Article 127

1. An application under article 20, paragraph 2, of the Statute submitted by an entity which is not a State Party shall state:

(a) the applicant, including the name and permanent residence or registered office address when the applicant is a natural or juridical person;

(b) the party respondent, including the name and address when the respondent is a natural or juridical person;

(c) the sponsoring State, in any case where the applicant is a natural or juridical person or a State enterprise;

(d) the sponsoring State of the respondent, in any case where the party against which the claim is brought is a natural or juridical person or State enterprise;

(e) the subject of the dispute and the legal grounds upon which jurisdiction is said to be based; the precise nature of the claim, together with a succinct statement of the facts and grounds on which the claim is based;

(f) the decision or measure sought by the applicant;

(g) the nature of any evidence upon which the application is founded.

2. For the purpose of the proceedings, the applicant shall state an address for service in the place where the Tribunal has its seat. The application shall also give the name of a person who is authorized and has expressed willingness to accept service.

3. The party may have the assistance of counsel or advocates.

4. An application made by a natural or juridical person or State enterprise shall be accompanied by:

(a) the instrument, instruments or statute constituting and regulating the juridical person;

(b) proof that appropriate authorization has been granted to applicant's counsel or advocates.

5. If an application does not comply with the requirements set out in paragraph 2 of article 126 and paragraphs 1, 2 and 4 of article 127, the Registrar shall prescribe a reasonable period within which the applicant is to comply with them. If the applicant fails to do so within the time prescribed, the Chamber may declare that the application is inadmissible in its present form, or accept it in the form presented, taking into account the circumstances of the case.

6. In a case where paragraph 5 applies, service shall be affected in such manner as the Registrar shall direct as soon as the application has been put in order or the Chamber has declared it admissible in the form presented.

Article 128

1. The application shall be served on the respondent. The application shall also be served on the sponsoring State in any case where the applicant or respondent is a natural or juridical person or a State enterprise.

2. Within two months after service of the application, the respondent shall lodge a defence, stating:

(a) the name and permanent residence or registered office address of the respondent;

(b) the matters in issue between the parties to the dispute and the grounds on which the defence is based;

(c) any decision or measure sought by the respondent;

(d) the nature of any evidence on which the defence is founded.

The provisions of paragraphs 2 to 5 of article 127 shall apply in a corresponding manner to the defence.

3. The time-limit laid down in paragraph 2 may be extended by the President of the Chamber on a reasoned application by the respondent.

Article 129

1. Within two months after service of the application in accordance with paragraph 1 of article 128, where the respondent is a sponsoring State in a case brought by a natural or juridical person sponsored by another State Party in a dispute referred to in article 187, subparagraph (c), of the Convention, the respondent sponsoring State may make an application in accordance with article 190, paragraph 2, of the Convention for the sponsoring State of the applicant to appear in the proceedings on behalf of the applicant.

2. Notice of an application under paragraph 1 shall be communicated to the applicant and its sponsoring State. Failing substitution of the sponsoring State of the applicant within the time-limit to be established by the President of the Chamber therefor, the respondent sponsoring State may designate a juridical person of its nationality to represent it.

3. Paragraphs 2 to 6 of article 127 shall apply to a juridical person designated as respondent.

4. Within two months after the service of the application in accordance with paragraph 1 of article 128 to a sponsoring State of a natural or juridical person, if such sponsoring State is not a party, it may make an application to submit written or oral statements in accordance with article 190 of the Convention.

5. Upon receipt of a such a request, the President of the Chamber will determine and the sponsoring State shall be notified of the time-limits within which it may submit its written statements. It shall also be notified to submit its oral statement in the course of the oral proceedings. The written statements shall be communicated to the parties and to any other sponsoring State of a party.

6. The time-limits laid down in this article may be extended by the President of the Chamber on a reasoned application.

Article 130

1. The application originating the proceedings and the defence may be supplemented by a reply from the applicant and by a rejoinder from the respondent.

2. The President shall fix the time-limits within which these pleadings are to be lodged.

3. In reply or rejoinder a party may indicate further evidence. The party must, however, give reasons for the delay in indicating it.

4. No fresh issue may be raised in the course of proceedings unless it is based on matters of law or of fact which come to light in the course of the written or oral proceedings.

5. If, in the course of the written proceedings, one of the parties raises a fresh issue which is so based, the President may, even after the expiry of the normal procedural time-limits, allow the other party time to answer on that issue.

6. The decision on the admissibility of the issue shall be reserved for the final judgment.

Article 131

The Chamber may, at any time, after hearing the parties, order that for the purpose of the written or oral proceedings or of its final judgment, a number of related cases concerning the same subject-matter shall be dealt with jointly. The decision to join the cases may be subsequently rescinded.

Article 132

Upon the closure of the written proceedings, the case is ready for hearing. Subsection 5 of section C of part IV shall apply, mutatis mutandis, to oral proceedings before the Seabed Disputes Chamber.

Article 133

1. An application under article 185, paragraph 2, of the Convention shall be submitted to the Seabed Disputes Chamber in accordance with article 126, paragraph 1, of this section.

2. Such application shall be submitted to the Seabed Disputes Chamber in accordance with article 162, paragraph 2 (u), of the Convention, by the Secretary-General of the Authority on behalf of the Council of the International Seabed Authority and shall be accompanied by a duly certified copy of the decision or resolution of the Council upon which the application is based.

3. When an application is submitted under this article, for the purposes of the proceedings before the Seabed Disputes Chamber, the Secretary-General of the Authority shall be considered the applicant in the case. 8/

Subsection 2. Special reference to the Seabed Disputes Chamber

Article 134

1. When, in accordance with article 188, paragraph 2, of the Convention, a question relating to the interpretation of the Convention is referred to the Seabed Disputes Chamber for a ruling by a commercial arbitral tribunal, the relevant provisions of the Convention, the Statute and these Rules which govern disputes shall apply.

2. The reference of a question to the Seabed Disputes Chamber shall contain a precise statement of the question raised in relation to the interpretation of the Convention on which a ruling is requested.

Section D. Ad hoc chambers of the Seabed Disputes Chamber

Article 135

1. An ad hoc chamber of the Seabed Disputes Chamber shall be formed in accordance with article 36 of the Statute when a dispute has been submitted to the Chamber at the request of any party to the dispute, in accordance with article 188, paragraph 1 (b), of the Convention.

2. The appointment of Members of the ad hoc chamber shall be made as soon as possible after the submission of the request as referred to in paragraph 1. The President of the Seabed Disputes Chamber shall establish time-limits for the parties to make their appointments and to appoint the third member by agreement. If either party fails to make its appointment, or if the parties fail to agree on the third member within the time-limits, the President shall promptly make the appointment or appointments after consultation with the parties.

Section E. Notifications for enforcement

Article 136

At the request of a party to the dispute, for the enforcement of any decision of the Seabed Disputes Chamber or its ad hoc chambers against natural or juridical persons in accordance with annex III, article 21, paragraph 2, or annex VI, article 39, of the Convention, the Registrar of the Tribunal shall directly communicate a duly certified copy of the judgment or order to the Government of the State Party in whose territory the enforcement is sought, for enforcement in the same manner as judgments or orders of the highest court of that State.

PART VI

ADVISORY PROCEEDINGS

Article 137

1. In the exercise of its advisory functions under articles 159, paragraph 10, and 191 of the Convention, the Seabed Disputes Chamber shall apply [, in addition to the provisions of article 159, paragraph 10, of the Convention,] the provisions of the present part of the Rules.

2. The Seabed Disputes Chamber shall also apply the provisions of the Statute, in accordance with article 40, paragraph 2, thereof. It shall also be guided by the provisions of these Rules which apply in disputes to the extent to which it recognizes them to be applicable. For this purpose, it shall consider whether the request for the advisory opinion relates to a legal question which is pending between two or more States Parties.

3. When an advisory opinion is requested upon a legal question which is pending between two or more States Parties, article 17 of the Statute concerning

the nationality of Members shall apply, as also the provisions of these Rules concerning the application of that article.

Article 138

1. Questions upon which the advisory opinion of the Chamber is requested by the Assembly or the Council shall be transmitted to the Chamber on their behalf by the Secretary-General of the International Seabed Authority by means of a written request. The request shall contain an exact statement of the legal question arising within the scope of the activities of the Assembly or the Council upon which an opinion is required. It shall be accompanied by all documents likely to throw light upon the question.

2. The documents referred to in paragraph 1 shall be transmitted to the Chamber at the same time as the request or as soon as possible thereafter in the number of copies required by the Registry.

Article 139

Without prejudice to article 159, paragraph 10, of the Convention, the Assembly or the Council of the International Seabed Authority may not request an advisory opinion on matters which are already under consideration in a contentious case between the Authority and another party.

Article 140

When the Assembly of the International Seabed Authority informs the Chamber that its request for an advisory opinion is in accordance with article 159, paragraph 10, of the Convention or necessitates an urgent answer, the Chamber shall, pursuant to article 191 of the Convention, take all necessary steps to accelerate the procedure, and shall as a matter of urgency hear and deliberate on the request.

Article 141

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all States Parties. Any State Party may present a written statement or be heard on the question upon which the advisory opinion has been sought and the Chamber shall decide on the time-limit for such presentation.

2. The Registrar shall also, by means of a special and direct communication, notify any international organization, other than those referred to in article 1 of annex IX of the Convention, considered by the Chamber or, should it not be sitting, by the President of the Chamber, as likely to be able to furnish information on the question, that the Chamber will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. States Parties and organizations having presented written or oral statements shall be permitted to comment exclusively on the statements made by other States Parties or organizations within the time-limits which the Chamber, or, should it not be sitting, the President of the Chamber, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to States Parties and organizations having submitted similar statements.

Article 142

The Chamber, or its President if the Chamber is not sitting, shall:

(a) Determine the form in which, and the extent to which, comments permitted under article 141, paragraph 3, of these Rules shall be received, and fix the time-limit for the submission of any such comments in writing;

(b) Decide whether oral proceedings shall take place at which statements and comments may be submitted to the Chamber under the provisions of article 141 of these Rules and fix the date for the opening of such oral proceedings.

Article 143

The Chamber, or its President if the Chamber is not sitting, may decide that the written statements and annexed documents shall be made accessible to the public on or after the opening of the oral proceedings. If the request for advisory opinion relates to a legal question which is pending between two or more States Parties, the views of those States Parties shall be ascertained.

Article 144

1. When the Chamber has completed its deliberations and adopted its advisory opinion, the opinion shall be read at a public sitting of the Chamber. The President or Acting President may read the opinion at a public sitting at which all Members and Members ad hoc of the Chamber constituting the bench may not be present.

2. The advisory opinion shall contain:

(a) The date on which it is delivered;

(b) The names of the Members and Members ad hoc participating in it;

(c) The question on which the advisory opinion of the Chamber is requested;

(d) A summary of the proceedings;

(e) A statement of the facts;

(f) The reasons of fact and law on which it is based;

(g) The reply to the question put to the Chamber;

(h) The number and names of the Members and Members ad hoc constituting the majority and those of the minority;

(i) A statement as to the text of the opinion which is authoritative.

3. Any Member or Member ad hoc may, if he so desires, attach his individual opinion to the advisory opinion of the Chamber, whether he dissents from the majority or not; a Member or Member ad hoc who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration.

Article 145

The Registrar shall inform the Secretary-General of the International Seabed Authority as to the date and the hour fixed for the public sitting to be held for the reading of the opinion. He shall also inform the representatives of the members of the International Seabed Authority and the international organizations immediately concerned.

Article 146

One copy of the advisory opinion, duly signed and sealed, shall be placed in the archives of the Tribunal, others shall be sent to the Secretary-General of the International Seabed Authority and to the Secretary-General of the United Nations. Copies shall be sent by the Registrar to the members of the International Seabed Authority and to international organizations immediately concerned.

Notes

1/ This will be the date on which the terms of office of the Members of the Tribunal elected at the first election begins.

2/ The International Court of Justice has adopted a resolution which is now in force.

3/ A decision will have to be taken by the Meeting of States Parties as to what will be the official languages of the Tribunal; and in the absence of agreement between parties to a dispute as to which language should be employed, the number of languages in which the judgment will be given.

4/ See note 3, supra.

5/ The agents of the parties are requested to ascertain from the Registry the usual format of the pleadings, and the conditions on which the Tribunal may bear part of the cost of reproduction.

6/ There are no specific provisions in the Statute of the Tribunal relating to the revision of judgments. Nevertheless, the Preparatory Commission considers the inclusion of such provisions in the Rules of the Tribunal to be appropriate.

7/ This will be the date on which the terms of office of the Members of the Chamber first selected begin.

8/ The question as to whether such applications would be in the name of the Authority or of the Council would have to be decided.